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ONE MORE PROOF OF
THE INIQUITOUS ABUSE
OF PRIVATE MADHOUSES

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OF THE

INIQUITOUS ABUSE

OF

PRIVATE MADHOUSES.

BY

SAMUEL BRUCKSHAW,
Late of STAMFORD,
LINCOLNSHIRE.

Provoco ad Populum.

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LORD MAYOR OF THE CITY OF LONDON.

IT is with ſingular propriety theſe ſheets are addreſſed to YOUR LORDSHIP,

As they contain a faithful account of the conſequences of

AN ILLEGAL EXERTION OF AUTHORITY.

From the ſupport of thoſe who intereſt themſelves in the cauſe of GENERAL LIBERTY, and readily ſtretch forth a helping hand to ſuch as labour under the arbitrary Fangs of Deſpotic Violence; from ſuch ſupport alone *(my whole property diſſipated)* I can

now hope for Redreſs:—And to whom can a Sufferer ſo properly complain of *the illegal acts of arbitrary magiſtrates*, as to HIM, whoſe WHOLE CONDUCT hath done him honour as a MAGISTRATE, and marked him ſingularly a DEFENDER OF THE RIGHTS OF HIS FELLOW CITIZENS.

The contraſt between your Lordſhip and my Deſtroyers, is ſtriking and compleat.

I am

YOUR LORDSHIP'S

Moſt obedient ſervant,

S. Bradſhaw.

INTRODUCTION.

WHEN an obſcure Individual preſumes to appeal to the Public, and to ſtate to them his private grievance, two things ought to be a part of his caſe; Firſt, that thoſe grievances are of importance to the public at large; Secondly, that Legal Redreſs hath been ſought in vain. When matters are thus ſituated, the complaint is no longer a private one; the oppreſſion which cruſhes me to-day, may fall on my neighbour to-morrow, nor can any one aſſure himſelf He ſhall be able to eſcape.

It is on this ground the attention of the Reader is requeſted to the following melancholy narrative. He will find a ſeries of tranſactions, oppreſſive and cruel beyond be-

liefs were they not ſupported by the moſt authentic Documents, and an adminiſtration of juſtice that would diſgrace the records of a Divan. Magiſtrates ſhamefully interfering in a private diſpute, and proſtituting their authority to gratify the malevolence of their Pot-companions: Afraid of the conſequence of this illegal proſtitution of their Office, they plunge yet deeper into iniquity, and under a charge of inſanity, (*a charge ſince acknowledged by the* PRINCIPAL CULPRIT (*a*) *to be utterly without foundation,*) they drag the wretched victim of their deſpotic violence from his buſineſs, confine him in a gaol, load him with irons, and are not aſhamed to call in the aid of a Keeper of a Private Mad-houſe: in which, (having artfully deceived his friends, reſiding at a conſiderable diſtance) they prolong his confinement for near a year, to the total ruin of his fortune and of his character.

Juſtly irritated at ſuch treatment, and irreparably injured in ſubſtance and good name,

(*a*) See Appendix, No. IV.

his property diſperſed, his buſineſs annihilated, the unhappy man ſeeks redreſs from the laws of his country, and commences an action in the Court of King's Bench.

After being led through the various mazes of the law's delay, the venue changed from London to Lincoln, a nonſuit obtained in March 1773, but leave at a conſiderable expence graciouſly obtained, " to begin again," the cauſe was a ſecond time brought on before Mr. Baron Perrot, at Lincoln, in Auguſt laſt, when the Jury's Verdict is again refuſed, and

HOC VOLO, SIC JUBEO,

the Plaintiff is again nonſuited without being heard: For,

Unfortunately for him, the defendants are MAGISTRATES, and that, which adds to their guilt in every other eye, ſecures them the favour of congenial ſpirits. Men do not readily condemn their own vices in other men.

The

The ground of theſe nonſuits is, that the action is brought out of time, that the Defendants are ſheltered from proſecution by the 24th Geo. IId. Chap. 44; *not a circumſtance of the complaint is* DENIED, *or even* EXTENUATED.

Are then indeed magiſtrates ſo ſcreened? and is it thus in the power of an ignorant or venal attorney (*a*) to trifle away the day of reckoning for his injured truſting Client? if ſo, ſurely the perſonal liberty of the ſubject is ſlenderly protected, and his property very inſecure. Of what advantage is it that the Supreme Magiſtrate is reſtrained, if every ignorant officer of every paltry borough, elate with inſolence, or intoxicated with authority, may thus with impunity trample on the deareſt rights of his fellow ſubjects? By one Arbitrary Prince, a few (comparatively a few) individuals might be cruelly injured, but "*Procul à Jove,*" the body of the people would be ſafe: By this determination

(*a*) *Immediately* after his releaſe, Druckſhaw applied to an eminent attorney in Mancheſter, who declined his cauſe, under the pretence that the above act cleared the offender, as the commitment was made nine months before.

every

every corner of the kingdom is over-run with tyrants; and we hold our boaſted liberty and property at the will and pleaſure of every arbitrary Upſtart who hath intereſt to procure a Dedimus.

It may not be unworthy notice to remark, how much doctors differ.—In a trial (*a*) before Sir William de Grey, at Guildhall London, in June 1771, the learned Judge was of opinion, that if the Plaintiff inſiſted on it, no power was delegated to him, to prevent a matter going to the jury. In the preſent caſe, on the motion to ſet aſide the Nonſuit in May 1773, (in London alſo) Lord Mansfield declared, had the cauſe come before him, he would have ſubjected the Defendants to the verdict of the jury. Such was the determination of two Lawyers, confeſſedly the firſt in ability as they are in rank: but at Lincoln, in Auguſt 1773, Mr. Baron Perrot declares——Boo—he will judge for himſelf——it ſhall again be a Nonſuit.

(*a*) Common Pleas, Mayer againſt Hunter, June, 1771, the Judge propoſed a Nonſuit, but the Plaintiff demurring, the Judge made the above declaration, on which it was left to the jury, who gave a verdict for the Plaintiff.

In

In a late popular cauſe, the Proſecutor ſilenced a very able judge, who refuſed to receive the jury's verdict, by obſerving, "If their ſolemn determination was to be rejected by the judge, he did not ſee that juries were of any uſe." How much more reaſon has this much-injured man to echo that obſervation? May he not well add, except to load with additional expence the party who has leaſt intereſt with the——? Twice has this man been at the expence of a *Special* Jury, and twice been refuſed their verdict. Such it ſeems is the practice in ſome of our courts of juſtice.

Wonder not, ingenuous Reader, that theſe things are ſo! you will find in the courſe of the following narrative, the majority of a reſpectable Corporation combine to ſupport their Magiſtrates in the illegal deſtruction of an unoffending individual. No wonder, from the temptation ſuch an union could tender to law, that "*ſome of the corps were a diſgrace to it.*"

Throw

Throw not from you, O indignant humanity, theſe ſheets with deteſtation. Providence, for wiſe and good purpoſes no doubt, ſuffered a Jefferies and a Ryder to ſtain the Annals of our Courts——Sigh however for ſuch beings—a day of retribution muſt come.

For the reſt: This tale of woe is ſet before the Public in the very words of the unlearned ſufferer. Indulgence is therefore requeſted for inelegance of ſtyle, to which its Author, bred to buſineſs, has no pretenſions. *Even though he ſhould not be enabled by this means further to purſue legal redreſs,* he ſtill hopes this appeal to the public will not be wholly uſeleſs, ſince if, in conſequence of its publication, others may eſcape ſo fatal a ſhipwreck of fame and fortune, and ſuch unmerited ſeverities; if by that general deteſtation which muſt follow this narrative, other Magiſtrates are withheld from ſuch ſhameful and flagrant oppreſſion; or, being hardy enough to commit ſuch acts, ſhould not be able to eſcape condign puniſhment by Chicanery or Venality, this unhappy man will at leaſt enjoy the melancholy ſatisfaction of not having wholly ſuffered in vain.

S. B.

ONE MORE

PROOF, &c.

AT Bourn, near Stamford, in the county of Lincoln, I purſued my buſineſs of woolſtapler, &c. in ſuch a manner as made a conſiderable addition to my paternal fortune; improved my buſineſs and eſtabliſhed my credit with people of the firſt reputation in the woollen manufactories in moſt parts of this kingdom.

After many years experience, I found that Bourn was not ſo good a ſituation for Buyers calling for my articles in trade as ſeveral other towns in the ſaid county, particularly upon the North road; therefore, as my paternal eſtate lay in Cheſhire, where I was never likely to reſide, in the year 1768 I diſpoſed of it, and reſolved to fix myſelf properly for my buſineſs in Stamford. Accordingly, I made enquiries, and laid wait for a roomy ſituation there, ſuitable for my purpoſe. At length, in April 1769, my friend, Mr. John Trueman, enclosed to me the deſcription and conditions of ſale of the remainder of the late Hon. Mr. Juſtice Noel's eſtate in Stamford. On the 18th Mr. Trueman

man went with me to ſurvey the premiſes, and I fixed upon ſuch as we thought beſt ſuited my buſineſs: I returned to Bourn, and informed Mr. William Dyer, attorney at law, what my friend, Mr. Trueman, and I had concluded on; that it would be a conſiderable purchaſe, and that my money lay out in trade, which I ſhould not like to curtail; that I purpoſed taking a part of my intended purchaſe-money up upon intereſt, therefore if he could furniſh me on thoſe terms, I would take him with me the next day to be my purchaſer, &c. To theſe terms he agreed, went with me, and we purchaſed ſomething under the price we had fixed on, owing, as it afterwards appeared, to a concerted plan, that the ſaid premiſes ſhould either fall to the friends of a certain family in the neighbourhood, whoſe ſon was the proprietor's Sollicitor in this ſale, or into the owner's hands again. Immediately after the ſale we were appriſed of this, and the Auctioneer having omitted to bring down with him the neceſſary credentials, to aſſure us he could make a good title, we thought proper to poſtpone paying the depoſit, till he got them down from London, which he did upon the 22d, and they being ſatisfactory, I paid him a depoſit of 20 per cent. and took his covenant for further time than the conditions of ſale ſpecified; and then the Auctioneer offered me a ſmall adjoining houſe, which had fallen into the proprietor's hands, at a price which I thought worth my notice, therefore agreed to give him my anſwer in two days time; took my friend with me to make a re-ſurvey of theſe premiſes, when we concluded to cloſe that bargain upon the ſame terms, as it was a very convenient ſituation for the reſidence of a partner in trade, and the next day I paid him a depoſit of 20 per

per cent. upon theſe premiſes, when Mr. Thomas Baniſter, deceaſed, the ſaid Auctioneer, declared to me, "that he never was ſo abuſed by his employer about any buſineſs before, that he was afraid ſome miſchief was in premeditation againſt me in my ſaid purchaſe, but that, for his own part, he would loſe his right hand before he would forfeit his Integrity," and deſired me "to be aware, and take care of myſelf." The keys were left with Mr. John Dixon in Stamford, with orders "to let no perſon ſee the ſaid premiſes without an order from me." In a few days after this John Mayer, Gent. of Gray's-Inn, Mr. Dyer's agent, called upon him at Bourn, and Mr. Dyer adviſed me to let Mr. Mayer make my conveyances, and gave me ſuch reaſons why he was more proper than himſelf, that I conſented to it, and then Mr. Mayer adviſed me, by all means, to take immediate poſſeſſion of the ſaid premiſes, and met me at Stamford on the 27th inſtant, to direct the mode and to be witneſs thereto; where he informed me, "he found ſeveral perſons in the town much diſſatisfied that I was the purchaſer; that the premiſes were very cheap, and that if he had been down at the ſale, he would have given more for them; wiſhed me joy of my bargain;" and ſaid, "he would compleat my conveyances as ſoon as poſſible, and pay the remainder of the purchaſe-money himſelf, for which he ſhould only require a private mortgage, 'till I could fix that matter more agreeably, as it could not be ſuppoſed that a perſon ſituated as I was could have his money at command at ſuch ſhort notice." I immediately gave notice to the ſaid Mr. Dyer, that he might furniſh me with what money he pleaſed upon perſonal ſecurity; that I had fixed with Mr. Mayer to provide the remainder, at which Mr. Dyer took

tumbrage. Upon the 29th I came to reſide upon the ſaid premiſes, for two reaſons; firſt, to ſecure poſſeſſion; and, ſecondly, to prepare them for reception of my buſineſs; when I found ſeveral other perſons in the town my enemies, merely becauſe they could not endure me as their rival in trade, ſo advantageouſly ſituated, theſe joined in trumping up falſe reports, which injured me much in the good opinion of my friends. The corporation ſummonſed me to take up my freedom, and ſeveral of them intreated me to come into the body; to which I anſwered that, unleſs it was a free one, I ſhould be much happier out of it, and that my buſineſs was called an art or myſtery, and not one of the trades mentioned in the ſtatute; therefore I was under no neceſſity of taking up my freedom.

About this time Mr. Joſeph Hargraves, of Wakefield in Yorkſhire, (a gentleman very converſant with buſineſs, particularly the woolſtapling branch) on his return from London called on me at Stamford, ſurveyed the ſaid premiſes, and offered me one thouſand pounds for my bargain. Mr. Mayer, my ſollicitor, after peruſing the Vender's title-deeds, wrote me from London a very ſatisfactory account of the title I was to have of theſe premiſes, and that Mr. Hill and Mrs. Noel were to levy a fine to me; but concluded with, "*burn this letter*," which very much ſurprized me.

My ſollicitor, notwithſtanding his aforeſaid engagement, wrote preſſingly to me to have my money ready in ten days time, in the interim to ſend him a ſmall bill, to enable him to go on with my conveyance, which increaſed my ſuſpicion that all was not right with him; I therefore wrote to Mr. William Trollope, Chancery-Office, the late proprietor's ſollicitor, that I ſhould be obliged to change

change my conveyancer, but would pay intereſt for any delay that aroſe on my part; he immediately ſhewed by his anſwer, that he was very unwilling I ſhould change Mr. Mayer for another: firſt he tells me, "that He is not aware of any ill treatment I have met with from Mr. Mayer; next that the conveyances are ready, and nothing but the money wanting, and that it is moſt adviſeable to let Mr. Mayer compleat the buſineſs;" and to enforce me to it, tells me, "he will not allow of any delay, but reſell the eſtate, whereby I ſhall loſe my depoſit, and a very beneficial bargain, which he pretends he ſhall be very ſorry for." Inſtantly after this, I found every engine at work to deſtroy my credit, throwing by this means ſeveral of my creditors ſuddenly upon me, which embarraſſed my affairs in ſuch a manner, that I judged it prudent to make an aſſignment of my effects for the ſatisfaction of the reſt. It was propagated at Stamford, with great diligence, that I was firſt doubted by the principal trades-people in Mancheſter, whither I immediately went, and called them together to chuſe truſtees. On the 31ſt of Auguſt, 1769, I executed a general deed of aſſignment to four of my creditors, in truſt for the payment of ſuch others as executed the ſaid deed any time within three months, the overplus returnable to me, *in which the aforeſaid premiſes were not included*, yet they compleated the ſaid purchaſe on my account: only two of the truſtees acted, and very few of my creditors gave themſelves any trouble about executing the deed; my ſtock in trade, which was conſiderable and well laid in, was puſhed off by my factors, much under the market price, which at that time was greatly below the average: hereby I loſt a great part of my property, and was de-

 prived

prived alſo of a very beneficial advantage in trade, with a proſperous eſtabliſhed buſineſs, which in its infancy had produced me a conſiderable increaſe to my paternal fortune, over and above maintaining me genteelly: my acting truſtees took upon them to retell my ſaid purchaſes at Stamford, at the ſame time they diſpoſed of my other effects at Bourn, and elſewhere, and for this purpoſe ſent an advertiſement up to London to be inſerted in the St. James's Chronicle, with a diſtinct deſcription of three ſeparate lots, to be ſold upon the premiſes at Stamford, on the 15th of November, 1769; by ſome means or other it was erroneouſly inſerted, viz. The late poſſeſſors name falſely ſpelled, and two of the lotts run into one, ſpecifying them to be held on leaſe, under the corporation of Stamford, at the yearly rent of forty ſhillings. The cloſe is ſo held; the houſe &c. jumbled with it in the advertiſement, is freehold, and coſt me five hundred and thirty pounds. The ſale nevertheleſs went on, and there were ſcarce any bidders; thoſe there were, had planned their own intereſt ſo cloſely, that they made purchaſes at their own price, and got contracts from theſe acting truſtees, (*in which I did not join with them*), "to make them as good a title as they could," upon "their paying ſuch purchaſe money, on or before the 25th of March, 1770;" which was about four hundred pounds leſs than the ſaid premiſes coſt me only the April before. Mature reflection upon the iniquitous manner in which I was thus deprived of every thing that was dear to me, in the very flower of my life, brought on an aguiſh diſorder, which was near baffling the ſkill of my phyſician, and which held me ſeveral months ſo low, that I never expected to recover, but it pleaſed God to reſtore me to my health; when I found that theſe ſaid purchaſers had failed to make good their aforeſaid

 contract

contract with my truſtees, and that theſe had received nearly as much of my money as would ſatisfy the creditors who came into the the ſaid aſſignment; and thereupon I told the acting truſtees, that I would make up the deficiency, and take my affairs back into my own hands, which they objected to, alledging that they lay under promiſes to many others of my creditors, who had not executed the ſaid deed of aſſignment; the true reaſon, I believe was, they were unwilling the world ſhould know that they had ſold the premiſes, to which they could not make a title. I was alſo very deſirous of re-eſtabliſhing myſelf amongſt my former acquaintances, and for that purpoſe, I looked out for people in trade, who were inclined to contract with me, to tranſact their buſineſs for them by commiſſion, upon two compleat journeys in the year, from Mancheſter to London, through the manufacturing parts of Yorkſhire, the counties of Lincoln, Norfolk, Suffolk and Eſſex; counties where I was converſant and well acquainted; and where I could eaſily ſollicit the woollen manufacturers to give me commiſſions to buy up wools for them in my ſpare time, which I intended to ſpend in Lincolnſhire for that purpoſe. At Stockport, in May 1770, I met with Mr. James Barnard, Hatter in London, who chearfully complied with my propoſals at a certain price per cent. commiſſion; at Mancheſter, I made no general contracts, but had ſeveral promiſed me they would conſider on my propoſals and write to me, if I would leave them my addreſs, which I did, to the Bull Inn in Stamford. At Halifax, Mr. Thomas Chambers executed a contract with me, upon the ſame terms as the ſaid Mr. Barnard, for the diſpoſal of his partnerſhip's articles in trade, with his ſon, comb-makers, and

 another

another for the buying woolis or yarns for his own trade, as a ſhalloon maker, depending upon his orders from time to time; he obſerved that my propoſals were ſuch as he could not avoid complying with, all his fear was that I ſhould have more "buſineſs than I could poſſibly look after myſelf." Many of the manufacturers promiſed to conſider of my propoſals betwixt then and the ſheep-ſhearing, and to write to me at the Bull Inn, in Stamford; a certain family, who had uſed me very ungenteely the year before, interrupted me in getting commiſſions at Halifax, where I ſaw the principal, and expoſtulated with him upon this repetition of their unjuſtifiable behaviour; who ſeeming at a loſs for an anſwer, at length ſaid, "did not Mr. Preſcott (*a*) inform my wife, that you ſome time ago ſpoke very diſreſpectfully of her? to which I anſwered True; and I at that time told you, that what Mr. Preſcott had informed her, I ſaid was falſe; to which you anſwered, "Take no notice of it. I don't think it worth my while, ſo let no more be ſaid about it." Then he ſaid, but Mr. Preſcott ſays a great deal more, was rather enraged, which created a quarrel, in which they made uſe of threatening expreſſions; but as they were conſiderable conſumers of wool, I was very deſirous we ſhould part reconciled to each other, and ſtaid a few days longer at Halifax than I intended, for that purpoſe. On the 10th of ſaid June I paid them a viſit; when I found that the Principal was not at home, I deſired to ſpeak with his wife, and when I ſaw her ſhe was in a great rage, whereupon I immediately withdrew without hopes of a reconciliation, and the next day ſent to my

(*a*) Mr. Preſcott is a very conſiderable buyer of wool in Lincolnſhire; connected with a capital houſe in Halifax.

friends

friends in Norwich and London, acquainting them with my plan of buſineſs, and that I ſhould be glad to contract with them upon the ſame terms which I had done with the ſaid Meſſrs. Chambers and Barnard, and that if I did not give them a call in the courſe of this ſaid month of June, their anſwer to me directed to the Bull Inn, in Stamford, would come ſafe to hand, and be duly attended to: and on Tueſday the 12th of the ſaid June, 1770, I left Halifax, and that night ſtopped to lay at Tuxford, where Mr. Sellers, the landord of the Red Lyon Inn, ſpent the evening with me, when I ſhewed him my contracts, to which he anſwered, as Mr. Chambers, "that I muſt certainly have more buſineſs upon thoſe terms than I could poſſibly execute myſelf," (*a*) and the next day, viz. the 13th inſt. I arrived at Stamford, which happened to be at the time of the races; I paid a viſit to Mr. Fothergill, who contracted for the leaſehold cloſe with my acting truſtees as aforeſaid, for one pound more than they put it up at, when I told Mr. Fothergill I would not join in making out titles to the premiſes my truſtees ſold, for the reaſons aforeſaid,

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Whereupon, without aſking the conſtables a ſingle queſtion, he ordered them to let me go, and they inſtantly quitted their holds; all this happened in the public ſtreet, before the Mayor's door; I have no doubt, but that the aforeſaid card was written with a deſign to ſend me irritated againſt Langton, to the ſaid premiſes, as the conſtables were placed there ready for ſeizing me.

I went to my inn, and as I was ordering my horſe out to go meet my friends at the race, the aforeſaid Mr. Arnall and the Mayor were in cloſe conference together in my inn yard, Mr. Arnall leaning out at a window, preſently the Mayor turned about, and called to ſome men about St. Mary's church, " ſeize him and take him down to the goal;"

goal;" whereupon four or five men came into the yard, ſeized me and inſtantly dragged me to the goal, without either warrant, hearing, or mittimus; when we got to the goal, theſe ruffians were at a loſs how to diſpoſe of me: the dungeon door being open, I told them, that was the proper place for priſoners, and they were going to put me in there, which when the mayor ſaw, he came running to us, and ſaid, " no no, he muſt not go in there; take him into the houſe; ſo they dragged me into William Clarke's, the goaler's houſe, which is a public one, facing the goal, where they fixt me in his parlour, theſe men remaining as my guard; the mayor went immediately to the race, where he was much blamed for what he had done, by the recorder and his friends; ſoon after I was fixed in the goaler's parlour, one of the gentlemen that was at Mr. Langton's, when we had the altercation in the morning, came to me, whom I told, " that I had rather have been put into the dungeon, than be a priſoner where I was; as Mr. Hopkins, would endeavour to give it the air of favour," who anſwered, " that makes no manner of difference, as you are deprived of your liberty, you are in every ſenſe of the word as much in goal here, as you would have been in the dungeon, I will maintain it." He ſoon after left me, and proves to be Edward Read Thong, gentleman, attorney at law, in Huntington. I being then of opinion that the ſame conſpirators were concerned in this impriſonment, that ſo iniquitouſly wrought my ruin the year before, and that providence had permitted them to fall into this unjuſtifiable predicament; for their immediate puniſhment, and my reeſtabliſhment; reaſon dictating to me that I had an undoubted

another for the buying woolls or yarns for his own trade, as a ſhalloon maker, depending upon his orders from time to time; he obſerved that my propoſals were ſuch as he could not avoid complying with, all his fear was that I ſhould have more "buſineſs than I could poſſibly look after myſelf." Many of the manufacturers promiſed to conſider of my propoſals betwixt then and the ſheep-ſhearing, and to write to me at the Bull Inn, in Stamford; a certain family, who had uſed me very ungenteely the year before, interrupted me in getting commiſſions at Halifax, where I ſaw the principal, and expoſtulated with him upon this repetition of their unjuſtifiable behaviour; who ſeeming at a loſs for an anſwer, at length ſaid, "did not Mr. Preſcott (*a*) inform my wife, that you ſome time ago ſpoke very diſreſpectfully of her? to which I anſwered True; and I at that time told you, that what Mr. Preſcott had informed her, I ſaid was falſe; to which you anſwered, "Take no notice of it. I don't think it worth my while, ſo let no more be ſaid about it." Then he ſaid, but Mr. Preſcott ſays a great deal more, was rather enraged, which created a quarrel, in which they made uſe of threatening expreſſions; but as they were conſiderable conſumers of wool, I was very deſirous we ſhould part reconciled to each other, and ſtaid a few days longer at Halifax than I intended, for that purpoſe. On the 10th of ſaid June I paid them a viſit; when I found that the Principal was not at home, I deſired to ſpeak with his wife, and when I ſaw her ſhe was in a great rage, whereupon I immediately withdrew without hopes of a reconciliation, and the next day ſent to my

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Whereupon, without aſking the conſtables a ſingle queſtion, he ordered them to let me go, and they inſtantly quitted their holds; all this happened in the public ſtreet, before the Mayor's door; I have no doubt, but that the aforeſaid card was written with a deſign to ſend me irritated againſt Langton, to the ſaid premiſes, as the conſtables were placed there ready for ſeizing me.

I went to my inn, and as I was ordering my horſe out to go meet my friends at the race, the aforeſaid Mr. Arnall and the Mayor were in cloſe conference together in my inn yard, Mr. Arnall leaning out at a window, preſently the Mayor turned about, and called to ſome men about St. Mary's church, " ſeize him and take him down to the goal;"

goal;" whereupon four or five men came into the yard, ſeized me and inſtantly dragged me to the goal, without either warrant, hearing, or mittimus; when we got to the goal, theſe ruffians were at a loſs how to diſpoſe of me: the dungeon door being open, I told them, that was the proper place for priſoners, and they were going to put me in there, which when the mayor ſaw, he came running to us, and ſaid, " no no, he muſt not go in there; take him into the houſe; ſo they dragged me into William Clarke's, the goaler's houſe, which is a public one, facing the goal, where they fixt me in his parlour, theſe men remaining as my guard; the mayor went immediately to the race, where he was much blamed for what he had done, by the recorder and his friends; ſoon after I was fixed in the goaler's parlour, one of the gentlemen that was at Mr. Langton's, when we had the altercation in the morning, came to me, whom I told, " that I had rather have been put into the dungeon, than be a priſoner where I was; as Mr. Hopkins, would endeavour to give it the air of favour," who anſwered, " that makes no manner of difference, as you are deprived of your liberty, you are in every ſenſe of the word as much in goal here, as you would have been in the dungeon, I will maintain it." He ſoon after left me, and proves to be Edward Read Thong, gentleman, attorney at law, in Huntington. I being then of opinion that the ſame conſpirators were concerned in this impriſonment, that ſo iniquitouſly wrought my ruin the year before, and that providence had permitted them to fall into this unjuſtifiable predicament; for their immediate puniſhment, and my reeſtabliſhment; reaſon dictating to me that I had an undoubted

undoubted right to fix my own price upon my time, and that my reſtrainers would ſay in anſwer to ſuch a charge, " it is very hard that we ſhould be made liable to the payment of a ſum of money which are thus made debtors for without our knowledge or conſent." I thought it adviſeable to get pen, ink, and paper, and make out a regular charge per time againſt them, publickly declaring my price to theſe ruffians, and lay it open to the inſpection of any perſon who came to ſee me; and further declared, that I would double it if I was not releaſed before the half hour expired, and deſired the ruffians to let their employers know it. This method I purſued during the whole of my impriſonment at Stamford, being convinced, that this opportunity was thrown in my way to make them ſenſible of their laſt year's crimes. When Clarke came from the race, he ſeemed much diſſatisfied that I was his priſoner upon theſe terms, and that we deprived him of the uſe of his parlour, as a publican. That evening he ſet the table for five to ſup together. At that inſtant Thickbroom, the town-ſerjeant, came in, and made enquiry of Clarke who were going to ſupper in the parlour; and being anſwered, ſaid, " Why, Clarke, do you think it decent to ſet Mr. Bruckſhaw down to ſupper with the conſtables?" which irritated Clarke, and a warm altercation immediately aroſe between theſe two Corporation Officers.

In the morning, ruminating how I could come at ſome intelligence why I was thus impriſoned before we went to the Mayor's, I at length determined to ſend for Doctor Jackſon as a phyſician, and Apothecary Judd, an Alderman, meerly to ſee if I could learn any thing to my purpoſe from them.

them. When I aroſe I wrote to each of them a card, deſiring their immediate attendance at the gaol, each in his reſpective profeſſion.

Doctor Jackſon attended, but was remarkably reſerved. To enforce converſation, I told him my ſpirits were rather languid and flat, owing to the treatment I had met with, and ſleeping little in my laſt night's confinement; therefore deſired he would order me ſome comfortable, cordial-like medicine. When he ſat down to write the preſcription, I clearly perceived him involved in the utmoſt perplexity; when he ſeemed to have finiſhed it, he put it into his pocket, refuſing to leave it with me for the apothecary; ſaying as he went out of the room, " I will ſend you ſomething that ſhall do you ſome good." This raiſed my ſuſpicion, that it was more than probable, that he might be the perſon who had engaged the mayor to make the ſaid impriſonment, engaged thereto at the inſtance of his brother-in-law, Mr. John Preſcott of Halifax. In a ſhort time after his viſit, three bottles of phyſick were brought to me by Sarah Burton, the goaler's maid, labelled, " Take one every three hours." She ſaid they were given to her by a girl, who ſhe underſtood came from apothecary Judd's; therefore as he had not attended, I put the ſaid phyſick into my pocket, with a deſign to have it examined by the college of phyſicians. Soon after the goaler took me before the mayor, who appeared much confuſed; and at length confeſſed, " That he made the ſaid impriſonment, at the requeſt of the aforeſaid John Arnall," who had large connections in trade with the ſaid John Preſcott. I aſked him, " how he could think of making an impriſonment, meerly at the requeſt of any perſon whatever?" and told him my ſuſpicion of, and intentions

intentions with, the ſaid phyſick; he immediately anſwered, I will ſend for Dr. Jackſon, and Mr. Judd, and make each of them take a bottle of it, before your face, for your ſatisfaction."

I then laid before him my charge for falſe impriſonment; adding with that, "I always deſired the men whom you thought proper to place as my guard, to adviſe you of this charge, prior to my making the reſpective advances in it." He took it in his hand and ſaid, "Sure! We can tax this bill; I was not convinced that it was a falſe impriſonment, till as I now find Mr. Langton refuſes to attend: But I have him ſecure, in a good hundred thouſand pounds, and you may have the Rev. Mr. Thomas Hurſt, as ſecurity for Mr. Langton's future good behaviour." To which I anſwered, "it was a conſiderable ſum, and very extraordinary that he, as a magiſtrate, ſhould require ſuch a ſecurity, and that, if that was the caſe, I do not ſee how that ſecurity could be liable to anſwer your own commitment, from the Bull Inn, which you acknowledge you made at the requeſt of Mr. Arnall, therefore I am not ſurpriſed, that Mr. Langton refuſes to attend; and as to your taxing my Bill, you have not the ſmalleſt ſhadow of ground for it; I am inclined to believe that my Lord Chancellor would not tax it under theſe circumſtances of the caſe." Here Mr. Daniel Ding of Bourn, one of my ſilent truſtees, called upon me, and gave me a letter he had received from Mr. William Hardy of Stockport, one of the acting ones, which incloſed his draft upon Mr. John Dixon in Stamford for thirty-eight pounds on my account, drawn in favour of Mr. Ding, who aſked me if I wanted any money; to which I anſwered, "I do not, but am much obliged to you for the offer." Thickbroom, the

the town-ſerjeant, was in and out all the morning as a meſſenger, and the mayor informed me thus; "I have ſent for Mr. Judd, and he refuſes to come; Dr. Jackſon has ſent for anſwer, that the faculty are at breakfaſt with him, ſo he cannot leave home till they are gone." Soon after, the mayor came into the room and informed me thus; "Mr. Langton has juſt now ſent word, that he will meet us in the town-hall at eleven o' clock, and repeated that he had him ſafe in the aforeſaid ſecurity," and ordered me thither; I went through the hall into a room adjoining, and waited there till paſt eleven, when James White, the jailor's ſervant, came through the room where I was, went into the town-hall, and ſecured the door upon me, and I immediately found myſelf a priſoner there; I called to White "to open the door," who refuſed to give any anſwer; I then told him, "If he would not open it, I would force it open;" ſaying, "You have no right to ſhut me out of a public court of juſtice where I am ordered to attend by your chief magiſtrate:" he diſregarded this; I forced the door open, and waited in the hall about an hour, when John Walker and Robert Whittle, two porters, came into the hall; I aſked them what they wanted; they, with downcaſt looks, anſwered, "We are come to attend upon you," and were as perverſely contradictory as poſſible. No Langton attended, neither did the Mayor come into the hall to execute the duties of his office.

In the afternoon, meeting with a Freeman's oath, I wrote under it my compliments to the mayor, deſiring "he would maturely conſider whether he was forſworn or not," and ordered the gaoler's people to carry it to him, and deſired them to tell him from me, "that the corporation were

forfeiting their charter, which could only be legally prevented by a releaſe and diſcharge of my demand for falſe impriſonment, which was now grown ſo high by his own delay, that it accumulated faſt; therefore deſired he would put a ſtop to it by a releaſe. In the duſk of the evening a male voice, ſeemingly deſirous to be unknown, in paſſing under the town-hall, called out, "Continue to behave like a man, you will have ſome deſperate work preſently." Soon after, William Clarke the gaoler, and White his ſervant, came into the hall; they and the ſaid two porters all aſſaulted me at once: I made all the reſiſtance I was able, whereupon Clarke claſped his arm upon my throat ſeveral times, each time thus ſtrangling me till my life was juſt gone; at length they all faſtened upon me, in ſuch a manner, that they were enabled to drag me through Clarke's houſe up into an obſcure garret, and there they threw me upon my back on the bed, and three of them, to wit, Clarke, Walker, and Whittle, held me down while White picked my pocket of the aforeſaid phyſic; Clarke's ſervant-maid, Sarah Burton, and his daughter, held their aprons to receive it; then White picked all my pockets of every thing they contained, except my watch, one ſixpence, and a few halfpence; amongſt my papers was the aforeſaid letter from Mr. Hardy to Ding. I demanded an inventory of what they had taken from me; they anſwered, "You ſhall have no inventory; every thing ſhall be carried to the Mayor." I then threw open the window, and called out, as loud as I was able, "Murder! murder! murder!" in hopes that ſome humane perſon or Peace Officer would come to me and enquire into the reaſon of my cries, but I was anſwered from the bridge, "You may call out, but they will let nobody

nobody come to your relief." The next day, viz the 16th, Walker and Whittle threw me upon my back on the bed, and Walker clapped his elbow upon my mouth, and burſt my lips againſt my teeth; they bled into my mouth, and I was held down in ſuch a manner that I was near being ſuffocated with the blood, at the ſame time I was otherwiſe ſavagely treated by Whittle; then they took out their bludgeons from under their pillow, and came brandiſhing them over me, and ſaid, We'll make uſe of theſe if ye don't behave as we like." The next day, immediately after dinner, they two and White threw me on my back upon the bed, and bound me down hand and foot to the bed; in that ſituation they kept me cloſe bound till the next morning, without any ſubſiſtence: ſome time after, the ſaid ruffians were ſeverally called down below ſtairs to receive further inſtructions, and urged to proſecute their cruelties; but they returned into the ſaid garret diſſatisfied, declaring to each other, "that they had ſtrictly obſerved their engagement, and ſolemnly vowed that they were determined to proceed no further; their Employers were all a parcel of fools, and were as much at a loſs how to get me out of the garret as they were to get me into it." They ſaid they wiſhed they had never been concerned, begging that I would deal mercifully with them, "as they were poor men (*a*,) ſeduced by the hopes of a large reward, which was ſecured to them BY A BOND EXECUTED BY THE WHOLE CORPORATION, and ſuch of their friends as they could influence who were at the race." At my requeſt they informed me of as many of their names as they

(*a*) They added, that ſeveral of their fellow porters had ſaid to them, "I would not have had your employment for all the world."

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could recollect; of which I made out a regular liſt, then called up William Clarke the gaoler, and read to him the ſaid liſt of names, who ſtood like a ſtatue, never attempting to diſavow a ſingle name or circumſtance of the ſaid confeſſion, but inſtantly withdrew.

I omit the publication of the ſaid liſt, as it would lay a foundation for an infamous reproach to their families. Walker, Whittle, and White, further informed me of many perſons who refuſed to execute this bond, among which was George Denſhire in Stamford, Samuel Reynardſ[illegible] *a juſtice of peace of the quorum*, and one of the ſix clerks in chancery, and Roger Parker of Peterborough, Eſquires; and of ſome who expoſtulated with the corporation, *ſhewing them the iniquitous conſpiracy of ſuch an inſtrument*, of which *they would certainly repent*. Among thoſe who oppoſed it were *the Lord Lieutenant of the county*, his Grace the Duke of Ancaſter, Lord Carberry, and the Rev. Richard Wright deceaſed, *a magiſtrate*, and his Grace's chaplain; and that this was at a general meeting after the race was over, when, it was concluded *to write to my relations in Cheſhire that I was inſane*, in confinement, *and taken proper care of*. Strong oppoſition was made to this determination by many gentlemen preſent, *but to no purpoſe*.

On the 20th Mr. John Collings, common-councilman, deceaſed, and his friend, viſited me in the ſaid garret, and voluntarily confeſſed, "*that he was one of thoſe who executed the ſaid bond*, looked over the liſt and charge, then begged *that I would excuſe him*." I could not procure my bags from my inn till the 21ſt, as Mr. John Terreweſt, my landlord, never once came to ſee how I did, *know what I wanted*, or how I chuſed to have my mare taken

taken care of; and when my bags were brought to me, *the ſewing on of the ſtrap* which makes them up *evidently appeared to be entirely new*; my papers had been rifled, as I apprehend, to ſee my connection *in Norwich and London*; then I alſo got my journal, where I made a minute of every letter I had been permitted to write *to my friends in this garret*, which I'm informed were carried to the mayor, *and there ſtopped, broke open, and read*. And upon ſettling my caſh account, I found that the ſaid ruffians *had picked my pockets*, as aforeſaid, of upwards of *twelve pounds*, conſiſting of pieces of gold, one 3 l. 12 s. piece, one moidore, ſix guineas, and ſome ſilver; *no phyſician attended to the care of my health*, notwithſtanding the malady which they pretended *I laboured under* in the ſaid garret, which would have been *naturally inflamed* by ſuch treatment, the heat of the ſeaſon, *and drinking wine*, which was never denied me.

Mr. Ding viſited me in the ſaid garret the 8th day of the Impriſonment; John Wych, town-clerk, viſited me ſeveral times, and looking over the aforeſaid liſt of names and charge for falſe impriſonment, ſaid, "*We may thank Will Trollope for this*. What do you intend doing with us? *Do you imagine the bond able to pay your demand?*"

Juſt before my dinner was brought up, on the 26th of June 1770, two ſtrangers came abruptly into the ſaid garret, and with an air of great fami-

(a) The gaoler's maid and the aforeſaid ruffians importuned me "*to let them convince me of the innocency of the aforeſaid phyſic*, by any one of them taking a bottle of it," which they pretended had never been out of the next room. *This I refuſed; as the bottles had been ſeveral days out of my poſſeſſion, of courſe I could not be ſatisfied the contents were the ſame.*

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liarity addreſſed themſelves to me thus; " Well, Mr. Bruckſhaw, *how doone you*, Com yoo'ſen go with us, t' ſee yoor friends i' Yorſhire." I aſked their names; they anſwered, Wilſon. I replied, " I came from thence only a fortnight ago. My buſineſs lies in London, requires my immediate attendance, *and I will be there as ſoon as poſſible*" They ſtill importuned me to go with them, to which I anſwered, *If your buſineſs here is to inſult me*, I deſire you will immediately quit the room, which will ſave me the trouble of ſhewing you the way out. If you chooſe to behave civilly, ſit down, and welcome, *my dinner is coming in.*" Upon which they ſat down, and after ſome time ſaid, " Well, Maiſter, if yoo winnow goo with us weon be getting towards hoom, han-you any meſſage that yoo claus'en to ſend by us to your friends" I thanked them and ſaid, " You may tell them the ſituation I'm in; *that I have been moſt barbarouſly treated:* but theſe men who are placed in the next room as my guard have repented of what they have done, *and that they were hired to it* by the mayor and his friends; and ſince that they have behaved to me with ſome civility. *I expect to be releaſed every minute*, and then they ſhall hear from me, and *that I am very well.*" To which they anſwered, " We will, *ſo fare yoo well*, they'll be glad to hear fro' yoo;" and immediately withdrew.

In the evening, *to my great ſurpize*, the aforeſaid Wilſons returned into the ſaid garret, and with the aſſiſtance of Clarke the gaoler, Walker, Whittle, and White, ſtized me, threw me upon the bed, *clapped irons on my hands and legs*, and dragged me into a chaiſe. In the firſt ſtage, Wilſon ſenior ſaid, " *The mayor wanted us tak yo with us without his warrant*, but I knew better; I have one i' me pocket,

pocket, *ſigned by the mayor and one alderman Exton*; the mayor ſeemed to ſit on thorns when he had ge'en me the warrant." Walker, who went with us the firſt ſtage, informed me of two other Perſons *who executed the aforeſaid bond.*

A freſh chaiſe was taken at the Bull Inn upon Witham Common, and I enquired of the landlord, John Brandon, if he ſaw or knew of any bond or deed being handed about by the mayor and town-clerk of Stamford, on the 14th or 15th inſtant, ſoliciting hands, to engage William Clarke the gaoler, James White his ſervant, John Walker and Robert Whittle, two porters, to take and treat me as aforeſaid? who anſwered, " *I did ſee ſuch an inſtrument*, with a number of names to it." He acknowledged with much concern *that he had himſelf ſigned it.* On my aſking his reaſon, he made me no anſwer, but immediately withdrew from the chaiſe door *exceedingly affected.*

We ſtopped at the Angel Inn in Grantham to take chaiſe; here I deſired Mr. Crabtree's waiter to ſtep for me to the mayor, and acquaint him with my ſituation, *and that I requeſted to be brought before him*; whereupon the Wilſons immediately ordered the chaiſe out, and in their hurry forgot to tell the boy to drive for Nottingham, ſo he took us to Newark, and we ſtopped all night at the King-ſton's Arms, where the Rev. Richard Barnard of Cortlingſtock, in the ſaid county of Nottingham-ſhire, was attending the viſitation, and came into the room where I was, *and took me by the hand*, in a very friendly manner, expreſſing himſelf in theſe words; " *Sir, you are as well as I am*, but let me intreat you, *to be as patient and ſtill as poſſible*, till you get to London; *you will have no juſtice till then:* there, you may depend upon it, you will be

properly redreſſed, with exemplary damages." He has ſince informed me thus; "when I firſt heard the irons, I ſuppoſed ſome of Sir J. Fielding's men *had apprehended a felon*, and ſent my Pallator out to make enquiry, who brought me for anſwer, that it was a perſon of a reſpectable appearance, whom they were conveying to ſome place of confinement, *under a pretence that he was diſordered in his ſenſes.* So was led into the room to you, by the *irreſiſtable feelings of humanity, tho' prejudiced with that idea.*"

The next morning, the 27th, we ſtopped to breakfaſt at the Red Lyon Inn in Tuxford, where I was in full expectation of procuring a hearing before a magiſtrate, as I was perſonally known by Mr. Sellers, the landlord, with whom I ſpent my evening, and lay at his houſe on the *12th inſt.* and ſhewed him my contracts by commiſſion; when he obſerved in anſwer, "Your terms and acquaintance in the ſpecified counties will induce the moſt reſpectable people in trade to contract with you, *even to any quantity of buſineſs you chuſed to undertake*; it clearly appears to me a very beneficial plan to you, *and equally eligible to your employers.*"

I requeſted of Mr. Sellers to be carried before a magiſtrate, whereupon he ſent for Mr. Edward Thornton a conſtable, who I deſired to demand Wilſons authority for conveying me through the country in that manner; *they ſeemed frighted*, and produced him the order of *John Hopkins, Mayor, and John Exton, Alderman*, two magiſtrates of Stamford, dated the day before, viz. the 26th, which the ſaid Thornton read aloud, and found that it was directed to "John Wilſon, and J. Wilſon his ſon, *Surgeons*, to take me *at the requeſt of my friends* to Scout Mill in the pariſh of Aſhton, in the county

county of Lancaſter, *and take care of me as a perſon inſane*," without ſhewing *either information or complaint.* I then deſired the ſaid conſtable to carry me before a magiſtrate, who anſwered, "*there is none near.*" By my deſire he took the handcuffs off for me to breakfaſt, then looſed one of the irons off my leg, and went with me into the garden; when we returned, Wilſon put the irons on again, ordered a chaiſe out and carried me through Workſop-Park to the town, there took chaiſe to Sheffield, where we arrived at the George Inn, about noon; I deſired Mr. Thomas Watſon the landlord, to get me carried before a magiſtrate, and he ſent for one John Morley, a conſtable, whom I deſired to demand Wilſons authority for treating me in this manner: they immediately produced him *the aforeſaid order*, which he alſo read aloud. I then deſired him to carry me before a magiſtrate, to which he anſwered, as Thornton, "that there is none near." My legs being ſwelled by the weight and tightneſs of the irons, I deſired Morley would direct them to be taken off, which he did, but Wilſons inſiſted upon keeping the handcuffs on. Morley ſtayed moſt of the afternoon with me, and deſired to be paid for his attendance; as I had not a ſixpenny piece, I deſired Wilſons to pay him; they anſwered, *We did not want his company*, nor ſend for him, *we winow pay him.* When I went to bed, they took me into a two-bedded garret, and Wilſons chained me by the leg to the bed-poſt all night, and lay in the other bed.

The next morning the 28th inſt. Wilſons ordered out a chaiſe and four, to run by the way of Woodhead, to Scout Mill: I obſerved to them, that that was a very improper road for a chaiſe, and deſired to go the turnpike-road to Stockport, which was full as near, and there I ſhould ſee my friends;

but I could not prevail. Wilſon ſen. declared at Sheffield in my hearing thus: " he is as weel as I am," and ſaid to me, yo'or Brother will be at our houſe as ſoon as he knows yo'or there, which was not till near five o'clock in the afternoon.

On our arrival at Scout Mill, I told Wilſon, that the words of the warrant which they had with me from Stamford were, *that they ſhould take me to Scout Mill*, which they now had literally obeyed, and that their further orders by it were, " *and there take care of him*;" which were too vague for them to keep me a priſoner upon; therefore I adviſed them to conſider well what they were about, for unleſs they *(Wilſons)* declared to me, that I was at liberty to go about my buſineſs, *I ſhould conſider myſelf as their priſoner*, to which they gave me no anſwer. When Wilſon ſhewed me to bed, he carried me up into a dark and dirty garret, *there ſtripped me*, and carried my cloaths out of the room, which I ſaw no more, *for upwards of a month*, but lay chained to this bad bed, *all that time*; this appears to be their breaking in garret; under the ridge-tree is a box for the harbour of pigeons, which they diſturb in the night time, to affright their priſoner when he ſhould reſt. For this purpoſe ſome of Wilſon's family are up all night long, ſometimes they throw pails of water down under the window, now and then bruſhing acroſs, with a few ſmall rods, or rubbing with a ſtone or brick upon the wall, ſometimes put a light up to the window, and every now and then make a diſagreeable noiſe, to awake you in a fright. In the day-time the window is darkened, and common neceſſaries denied; they gave me bad victuals, ſhort allowance, with ſour beer, ottener water, and ſometimes not that; no attendance, but what was as contradictory and

and provoking as they could poſſibly invent, and frequently the moſt barbarous ſtripes; and to keep theſe inquiſition-like tranſactions a ſecret from the world, Wilſon's wife does the office of a barber, but I refuſed to come under her hands, and by that means got a Barber, who is a very reſpectable evidence.

At the expiration of about a month, I was permitted to have my cloaths *for a day*, and to walk about the houſe in irons; when any perſon was in converſation with me, Wilſon made it a rule to interrupt us with " Why maiſter, yo'r weel us'd, *yoo getten plenty of good victuals and drink*, and reſt in your bones, *yoon be fitt for any thing* when yoo gone from here; I'm liken to be the beſt friend *yoo han*;" which generally had the intended effect of enraging me.

This Wilſon never failed to obſerve to the perſon who I had been converſing with, adding, " *that I was very ſubject to rave in this manner*, and that I behaved very audaciouſly at Stamford; *or the mayor (who is a very good kind of man)* would not *have impriſoned him.*"

In this manner I was treated, *(now and then a day below ſtairs,)* in the ſaid garret, till the beginning of November, when I was reduced to a ſkeleton; I really thought I muſt have died with pining, cold, and ſeverity of treatment; Wilſon had the like apprehenſions, allowed me a fire, but refuſed me a doctor and nurſe, permitted me to come down into the family as ſoon as I was able to ſtir about, where Wilſon's wife threatened me thus: " *I'll lay yoo o'the head with the poker, if yoo doo make complaint to any body that comes into th' houſe.*"

While I enjoyed this privilege, there came a ſervant maid out of a reſpectable family in Manchester,

cheſter, and wanted Wilſon to cure her complaint in one week, which he undertook to do; Wilſon's family gave it out, "*that her diſorder was a dropſey, and lowneſs of ſpirits*, which made her incapable of doing her buſineſs."—I being of opinion that this woman might have got ſuperior advice in Manchester, and that real dropſies were not to be cured in a week, happened to ſay, that this woman's diſorder muſt certainly, from her applying to Wilſon, be of a nature that required ſecrecy and the aſſiſtance of a rogue, and the next day I was chained up in this ſecond garret, which was exceedingly ſmoaky; ſometimes allowed no fire at all. Here I was confined EIGHTY-TWO DAYS *(a.)*

I was at at length permitted to write letters to my friends, which Wilſon promiſed to ſend as directed, yet ſtopped, broke open, and read them; one of which was found by a fellow priſoner and brought to me.

My journal was taken from me, when they perceived I took minutes of their tranſactions, along with a ten pound bank note, my charge for falſe impriſonment, and the liſt of names which I took from the mouths of the ruffians at Stamford, who they confeſſed executed to them the aforeſaid Bond.

(*a*) "He was ſitting upon the ground upon a little ſtraw in the furtheſt corner of his dungeon, which was alternately his chair and bed: a little calendar of ſmall ſticks were laid at the head, notched all over with the diſmal days and nights he had paſſed there —He had one of theſe little ſticks in his hand, and with a ruſty nail he was eching another day of miſery to add to the heap. As I darkened the little light he had, he lifted his hopeleſs eye towards the door—ſhook his head, and went on with his work of affliction. I heard his chains upon his legs as he turned his body to lay his little ſtick upon the bundle.—He gave a deep ſigh—I ſaw the iron enter into his ſoul—I burſt into tears. SENT. JOUR. V. II. P. 31.

On

On the eighty ſecond day of the cloſe confinement in this garret, Wilſon came up and addreſſed me thus: "*weel maiſter, as this chimney ſmooks ſo*, if yoon behave mannerly, *yoos'en go down into'ith houſe*;" and took the irons off my leg. I immediately found that it was through the perſuaſion of a reſpectable gentleman, well acquainted with maladies of the nature Wilſons and the magiſtrates of Stamford publicly reported that I laboured under. When I thanked him for my releaſe from the irons, &c. he told me he prevailed upon Wilſons, by reaſoning with them in theſe words: "I have ſpent more than once, ſome hours with Mr. Bruckſhaw, and I find him *no more diſordered in his ſenſes*, than any one of your own family, or any perſon *in this pariſh*; you are deſtroying his health, which I find he has been as careful in preſerving *as if directed by a phyſician and called in for that purpoſe*, you cannot mean any good by ſuch treatment. He is naturally of a ſtrong, healthy conſtitution, *which requires exerciſe*; why don't you let him come down into the family, *and take a little air?* I am moreover informed that he never was otherwiſe than he now is, and that it is unanimouſly allowed by a number of your own neighbours who ſaw him get out of the chaiſe at Luſley, upwards of ſix months ago, that he was no more diſordered in his ſenſes at that time than any perſon there preſent, which is well confirmed to me, by what I have ſeen myſelf, and been informed by the Barber who has ſhaved him all the time he has been confined here, and the ſame is avouched by your neighbours all round you." This gentleman is a ſurgeon and phyſician of eminence.

I being thus releaſed, out of the ſaid garret; my friend and I walked out together, and called upon

ſeveral

ſeveral of the neighbours, who informed me, that my confinement would ſoon be at an end; for the neighbours took ſuch notice, that Wilſons were very uneaſy that they had any concern in the matter, notwithſtanding all the money they got from the people of Stamford; which they had reaſon to believe was a conſiderable ſum, and that they might have had more, if they had aſked it, and that they were very poor before they fell into this way, ſcarce able to keep themſelves off the pariſh." That they had ſeen my brother come and go ſeveral times, ſeemingly in great trouble, and that Wilſon's landlord had taken him to taſk reſpecting my confinement, and that Wilſon anſwered him, "I want to know how I'm to be paid before I let him goo'a."

They adviſed me not to think of running away, as my enemies would gratify their malignaty with obſerving, that I run away from a madhouſe. I anſwered them, that I would not, and told them of the young woman from Mancheſter, as aforeſaid, to which they anſwered, that they had heard Wilſon accuſed of the like before, but were always willing to hope it was not true.

When I returned back, I made ſome enquiry of my fellow priſoners, if they had ſeen my Brother, to which they anſwered they had, *he had been ſeveral times*, and was very importunate to ſee me; but that Wilſon always put him off, with ſaying, "it'll be better for him, that yoo don't, he's ſo bad, that he'll be ready to tear you too pieces; I hardly dar go ney him ſometimes myſel, and it all as makes him worſe." And that Wilſons had denied many others in the ſame manner, yet they durſt not contradict them, for fear of their cruel reſentment; they threatened me with cloſe confinement again, if I dared to call in at any of their neighbours houſes.

I gave

I gave them no anſwer, but walked out, and importuned the neighbours to make a complaint in my behalf, before a magiſtrate; ſome of them promiſed they would, if I was not releaſed ſoon; they would ſpeak to Wilſon firſt; as he was a deſperate fellow, and their neighbour, they had rather not incur his reſentment. On my return, I again demanded their authority for detaining me, whereupon they brought me the aforeſaid order of John Hopkins, and John Exton, and after reading it, I put it into my pocket, and Wilſon's wife immediately called her huſband and ſon, and gave them orders to take it from me by force, which they obeyed, at the ſame time promiſing me thus: "yoo'son hav a copy on't when yoo gune fro here." I alſo preſumed to to arraign their judgment, in the management of pretended Lunatics; to which they anſwered, "Yoo'en been uſed juſt as twas fixt on before we touch't yoo." The neighbours importuned them ſo cloſely to releaſe me, that they at length let my Brother know I was recovered, and might be at liberty as ſoon as he pleaſed: my brother came over on the 25th of March, 1771, and I was releaſed from the aforeſaid impriſonment of *Two hundred and Eighty-four days*, by order of John Hopkins, and John Exton, Magiſtrates of Stamford, under their aforeſaid charge of inſanity.

SUCH,

SUCH, READER, are the actions of men veſted with power, and unreſtrained by Principle.

Accuſtomed to venerate the Laws of your country, and to conſider them as equal—as the Protectors of every man who pays them due reſpect, as particularly averſe to oppreſſion, and denouncing the ſevereſt vengeance againſt thoſe who dare to encroach on the freedom of their fellow ſubjects, you will be ready to exclaim with a generous eagerneſs—Let this man, now at laſt releaſed, apply to the Laws of his country, which will inflict ſuitable puniſhment on theſe evil-doers; and amply, moſt amply, recompence his loſſes and his ſufferings.

Alas, my Good Friend, you know nothing of the matter.—God forbid you ſhould know it experimentally.——You are yet to be told, That where Wealth and Influence are oppoſed to an obſcure individual with a moderate fortune, you may as well hope to

" Drink up Eiſel, eat a crocodile,"

as to obtain redreſs, even for ſuch injuries as theſe.

" Fabrigas againſt Moſtyn."——True, my Good Friend—but Fabrigas was ſupported by a Noble Duke, *(a)* of princely ſpirit, and of princely fortune; and happy it was for him that he gained that protection.

(a) His Grace of Richmond.

In

In the following pages you will ſee what chance an *unprotected* Individual ſtands, who ſeeks redreſs at law againſt powerful oppoſers, and you will be ready to agree that the Sabre of a Dey would be *tender mercy*, and *equal juſtice*.

UPON my enlargement, I went amongſt my acquaintance, and found many of them irremoveably prejudiced, with a belief that inſanity was the cauſe of my impriſonment at Stamford; which filled my mind with much anxiety and diſpleaſure againſt my unjuſt oppreſſors, for having ſo infamouſly and irreparably injured me.

I immediately drew up a declaration of my ſanity, and went with it amongſt Wilſons neighbours, and not one of them refuſed to ſign it, although I was an intire ſtranger to them only nine months before, and Wilſons abuſed them for that proof of their impartiality, refuſing, with much abuſe, to give me a copy of the order as they had promiſed. When I came to ſettle my truſtees accounts, I found myſelf debtored with the expences of the aforeſaid impriſonment, and mentioned them as unjuſt; to which they anſwered, " We have paid theſe ſums, apprehending them to be neceſſary for the reſtoration of your health. *(a)* However, it being a great hardſhip upon you, we will make you a preſent of our trouble, as it turns out that we have been unwarily impoſed upon, by artful deſigning people.

I then applied to the trade in Stockport and Mancheſter, for commiſſion employment, as in May

(a) Wilſons bill does not ſo much as intimate any inſanity, cure, or phyſick.

1770, to which they refuſed to pay any attention: in June 1771, I applied again at Halifax, and in general met with the like refuſal.

After a few days ſtay there, I proceeded on a journey to add evidence to what I had collected at Scout Mill, at Sheffield, and Tuxford: I was ſucceſsful, and hoping to find the aforeſaid Rev. Richard Barnard, a reſident of Newark, I came up as far as there, and then turned back to my friends in Cheſhire, not daring to come within the reach of theſe enemies at Stamford, nor prepared with a character, &c. ſufficient for my purpoſe, in London, in the predicament I then ſtood.

From Stockport, I then wrote to Mr. Hopkins, the ſaid Mayor, "demanding a reaſonable ſatisfaction;" and not doubting that he would be glad to procure an acquittance upon equitable terms, and apprehending that he would chuſe to conſult his aforeſaid friends, I waited a conſiderable time for his anſwer; but this offer he choſe to treat with contempt. My friends diſcouraged me from ruſhing into law, againſt ſuch powerful opponents, *whoſe principles I knew by fatal experience.*

I then was inclined to come up to London, but my friends were unwilling I ſhould leave them without a more favourable proſpect was to offer. I ſtaid with them till December, 1771, much diſſatisfied with ſuch loſſes, treatment, and preſent ſituation At length I reſolved to try if I could not remedy ſome of theſe grievances in town; ſo got a character drawn, and executed by the principal trades people in Stockport, and came up to London, applied for commiſſion employment, from thoſe houſes I wrote to from Halifax, on the 11th of June 1770, who all declined to enter into any connection with me.

I then

I then mentioned my ſituation, with all its circumſtances, to an acquaintance; and that I was inclined to ſeek redreſs from the laws of my country: who anſwered, "You are certainly richly intitled to it in this caſe, and if you will give me leave to recommend you to my attorney, I will ſpeak to him about it. He is a man of integrity, and you may depend upon it from me, he will take no bribe, which in my humble opinion is the only thing you have to fear." I left with him the neceſſary papers, and the next day, viz. the 10th of January 1772, I received his note, containing theſe words; "I have left ſuch of your papers as were neceſſary with Mr. Raincock, No. 11, Bearbinder-lane, who will immediately go upon the affair in queſtion. Mr. Bruckſhaw muſt call as above, about nine o'clock to-morrow morning, in order to give Mr. Raincock a farther explanation of ſome neceſſary relative particulars. I will endeavour to meet you there at the time appointed as above."

Whereupon I waited upon Mr. Raincock accordingly; when he informed me the ſame, ſaying, "I only wiſh to have a few affidavits of your ſanity from perſons who ſaw you at the identical time of your confinement," I gave him inſtructions for drawing up affidavits for Meſſieurs Gee, Ding, and Raunſly, which he did, and they were duly executed and returned to him.

The next time I ſaw my friend who put us together, he ſaid, "I have juſt been with Mr. Raincock, and he is now fully ſatisfied about the truth of your caſe, and declared to me that he would go through it, if he never goes through another caſe as long as he lives."

Soon after I ſaw Mr. Raincock when he ſaid, "Your caſe is a ſerious and very conſequential con-

cean; you ſhall go with me to a counſel, without whoſe advice I never purſue things of ſuch conſequence as yours." We went to—Kitchen Eſq; of Staples Inn, who, after peruſing our papers, and making the proper enquires, ſaid, " If this caſe was my own, I would bring a common action of treſpaſs in the court of King's Bench againſt ſome one or two delinquents, declare ſpecially, and lay my venue in London; as a ſpecial jury of merchants, converſant with the value of trade, are the moſt proper perſons to try this cauſe; I have not a doubt but in this caſe they would give a verdict, with very heavy, exemplary damages; under all its circumſtances, they *will not know how to give enough.* I think it is more than probable, whoever you make defendants, they will endeavour to carry the cauſe to Lincoln; and if they do attempt it, you ſhould have Mr. Dunning, properly inſtructed, to oppoſe their motion, and then 'tis two to one in your favour, that the court will refuſe them leave." We propoſed making John Hopkins, mayor, and John Exton, alderman, the two magiſtrates who preſumed to give, as aforeſaid, colour to the impriſonment, the defendants; both Mr. Raincock and Mr. Kitchen agreeing, that proceeding under colour of office wilfully wrong, the courts have ever held as an eſtabliſhed rule, *that ſuch delinquents are not intitled to any protection by the act* of the 24th Geo. II. cap. 44, which was originally *only* intended " to render magiſtrates and the other judicial officers more ſafe, with regard to *ſmall and involuntary errors* in their proceedings in the execution of their office, neither of which is the caſe here;" then it was finally concluded on, to make theſe two officious magiſtrates the defendants, merely as individuals; as they were not intitled to notice, it was not neceſſary to honour them

them with any ſtile or title of Magiſtrate." At this time I was in treaty with three capital houſes in the city, who were inclined to contract with me by commiſſion; but before I could get their contracts cloſed, ſome evil-minded perſons made it their buſineſs to give information that I had not been long out of a private madhouſe, where I had been confined for inſanity nine months; ſo when I went to cloſe with them, they all three declined to fulfil our agreements, one of them giving the reported inſanity as his reaſon. It happened ſo, that I got information of the aforeſaid John Hopkins, Mayor of Stamford in 1770, (the acting magiſtrate who made the aforeſaid impriſonment originally) being then at the Half-moon tavern in Grace church Street, of which I immediately informed Mr. Raincock, who gave me this advice; " Take ſome friend with you, and call upon him; ſee how he will behave to you after theſe injuries which he has done you in the officiouſneſs of his office as Mayor, expoſtulate with him upon them, and deſire your friend to be very attentive to his anſwers." Accordingly I went and engaged Mr. James Bradock of Lawrence-lane to ſtep with me in the evening. We went and met with him; he received us with ſome civility, but more ſurprize; we had not ſeen each other ſince the aforeſaid impriſonment at Stamford. " I told him I was ſeeking for employment, and wanted a character from Lincolnſhire, where I had been accuſtomed to buſineſs many years; ſhewed him the character which was given me by the trade at Stockport, and aſked him if he had any reaſon to doubt its truth? He anſwered, No. I then ſaid, I hope you can have no objection to favouring me with your name to it; at which he was exceedingly alarmed, and wanted to put me off to a future day;

I urged, that I was making enquiry every day, and ſhould be obliged to him for his name *then*; adding, "that as you have acknowledged it to be a true one, what can be your objection?" At length he ſigned it; and then I expoſtulated with him more fully upon the iniquity of the aforeſaid impriſonment, and charge of inſanity; and aſked him if he received my aforeſaid propoſals for equitable damages in May or June laſt? to which he anſwered, "I did receive ſome ſuch letter." I then aſked him his reaſon why he did not anſwer it? he declined to reply. At length, being ſtill puſhed upon that ſubject, in a public room, he addreſſed himſelf to Mr. Braddock in theſe words; "I did impriſon Mr. Bruckſhaw, being Mayor at that time, *but I never did conſider him as inſane.* I immediately aſked, "Then what did you impriſon me for?" To which he replied, "*It was done in a hurry*, I beg I may hear no more of it." He ſeemed much diſſatisfied with our company, and we ſoon after withdrew. The next day I met with Mr. Henry Ward of Stamford, of whom I requeſted the ſame favour to my character, who chearfully obliged me with his name, and told me Mr. Bellars was in town, and lodged, as well as himſelf, at the Bread-ſtreet coffee-houſe, where I called and alſo got his name.

I furniſhed Mr. Raincock with all theſe additional materials for my ſaid action, and then I wrote to the ſaid Mr. Hopkins at Stamford, informing him that he might expect to be called upon along with his colleague, to legally anſwer the aforeſaid impriſonment and charge of inſanity; but he ſtill perſiſted in refuſing to propoſe any equitable terms to prevent it; and, on the 12th of February 1772, the laſt day of Hilary Term, Mr. Raincock took

took out of the Honourable Court of King's Bench, a common Latitat Writ, againſt the aforeſaid John Hopkins, and John Exton, agreeable to our final determination, to purſue the action according to the advice of his Council, the ſaid Mr. Kitchen, which was returnable on Wedneſday next, after fifteen days, from the day of Eaſter, and he retained Council, Meſſrs. Dunning, and Wallace, for Guildhall, and Mr. Wheler, for Lincoln, in caſe the Defendants ſhould ſucceed in a motion, for leave to try the cauſe there; on or about the 26th, Mr. Raincock ſent the Writ down to Mr. Torkington, Attorney at Law, in Stamford, with orders to ſerve the Defendants with copies, and ſaid, "before I have done with them, I will convince them, that they have no juriſdiction over any perſons, even if inſane, except in ſuch caſes where his Majeſty's ſubjects are in actual danger of their lives from the lunatic." Mr. Torkington thought proper to demur to this piece of agency buſineſs, and a correſpondence aroſe betwixt him and his employer, who thought proper to keep me out of the ſecret, of which I made ſome complaint to Mr. William Bolton, (now Mr. Raincock's partner,) who anſwered, "you may make yourſelf eaſy, the Writ will be ſerved in proper time. I cannot ſee how they can ſet up any defence; I think they will let judgment go againſt them by default: if they do, I will immediately execute a Writ of enquiry, try it by a ſpecial jury in Guildhall, and in that caſe, I will inſure you a verdict, with twenty thouſand pounds damages."

I continued my enquiries after employment, and ſolicited my acquaintance to do the ſame, none of which was attended with any ſucceſs; on the 10th of April, the Writ ſtill lay in the hands of Mr.

Raincock's agent, Mr. Torkington, unſerved, when I inſiſted upon that buſineſs being executed, or turned over to Mr. William Dyer, Attorney at Law, in Bourn, at that time in town; whereupon the ſaid Mr. Bolton furniſhed me with proper authorities for that purpoſe, and Mr. Dyer got the buſineſs executed on the 14th of April 1772, and ſent Mr. Raincock an affidavit of the ſervice.

About this time the Mancheſter creditors to a perſon who had withdrawn himſelf from thence with his books, and moſt of his effects, employed me to make enquiry after him at his attorney's, Meſſrs. Exley and Criſpin, in Chancery Lane, from whom I could learn nothing to the ſatisfaction of my employers; but was ſtruck with their remarkable fidelity *to this Client*. My attorney, Mr. Raincock, now began to demur in my action, but was exceedingly loſt in ſhewing his reaſons, delaying to declare till the eve of *Eaſter Term*, and at length entirely declared off from proceeding any further with my action; when I preſſed him for his reaſon, he anſwered, "I cannot go to trial, with a nonſuit full in my face, upon the act of the 24th of Geo. II. Chap. 44." whereupon Mr. Bolton looked into the ſaid act, and ſaid, "I cannot ſee that this act has any thing to do, in this caſe." I replied, "that both Mr. Raincock, and his counſellor Mr. Kitchen, declared themſelves fully ſatisfied it had not, before he commenced this action; therefore this could only be a pretended reaſon for declining:" And then I took my papers and the cauſe out of his hands.

In the beginning of June, 1772, I acquainted the ſaid Mr. Criſpin with the ſituation I was in with my action, and the cauſe of the imprisonment, as aforeſaid; to which he anſwered with ſome ſurpriſe, "will any man preſume to ſay, that theſe are the actions of a man diſordered in his ſenſes? I am of opinion your action is maintainable; but if you chuſe to come to us, I ſhall recommend to you to take counſel's opinion with reſpect to that act, as Mr. Raincock has ſtarted it as his objection to going on; I ſhould chuſe Serjeant Walker to draw the declaration, and the ſame inſtructions will ſerve for him to give his opinion upon." "I told him Mr. Raincock had retained Meſſrs. Dunning and Wallace for town, and Mr. Wheler for Lincoln, in caſe we were obliged to try the cauſe there." To which he replied, "*that cannot be*, your's is a tranſitory action, therefore if you cannot hold it in London, you may try it in any of the counties you chuſe, *where you was at all a priſoner*. But what could be Mr. Raincock's reaſon for returning Mr. Wallace along with Mr. Dunning who I would always have for my firſt counſel, which cannot be the caſe where Mr. Wallace is concerned?" I replied, "I did not know Mr. Raincock's reaſon, that I would put the cauſe into their hands," which I did upon the 10th of June, 1772.

They employed Serjeant Walker to draw the declaration, and to give his opinion relating to the aforeſaid act; telling them, I ſhould chuſe the venue in Nottinghamſhire, if it would not lie in London. When I ſaw Mr. Criſpin again, he ſaid, "Serjeant Walker ſays the action will lie, and in London, that there is no occaſion to draw the declaration ſpecial, as he ſays he is well convinced that the defendants ſent you to Scout Mill, meerly to gain an elapſe of ſix months, with a deſign to avail themſelves of the aforeſaid act, which is ſuch an aggravation of their crime, as will totally deſtroy their intentions." So he drew the declaration

ration as in common caſes of aſſault, and falſe imprisonment, and laid the Venue in St. Mary le Bow, in the ward of Cheap; that it might come on to be tried agreeable to Mr. Kitchen's advice in Guildhall, before Mr. Raincock commenced the ſaid action, Mr. Criſpin delivered the declaration to the defendants agents, Meſſrs. Burton, and Peart, in Lincoln's Inn, who he ſaid made light of the matter; telling him thus: "We have a cloud of witneſſes ready to prove the Plaintiff's inſanity."

He now began to demur in the action, and ſuffered the Defendant, Hopkins, to come with his affidavit before the Honourable Court of King's Bench; ſwearing, "that the whole cauſe of action, if any he has, aroſe in Lincolnſhire, and not in London, nor any where elſe but in the county of Lincoln, praying for leave to have the cauſe tried at Lincoln aſſizes, which was granted of courſe: Mr. Criſpin refuſed to attempt holding my action in London. Then the Defendants ventured to plead the general iſſue, "not guilty," and threw themſelves upon their country; Mr. Criſpin declined joining the iſſue, alledging, as Mr. Raincock, that he was afraid of a nonſuit upon the aforeſaid act, obſerving thus; "I cannot think of throwing your money away in ſuch a manner, as you have ſuffered ſo much already. I ſhould like to have Mr. Wallace's opinion reſpecting the ſaid act."

Whereupon he drew a caſe, and got it anſwered by Mr. Wallace, juſt upon the eve of the Summer Aſſizes, in 1772, in this manner: "I conceive that the Mayor acted under a ſuppoſed authority, veſted in him as a magiſtrate, and under colour of that character will claim the protection of the act of the 24th of Geo. II. Chap. 44.

Then Mr. Criſpin took this opportunity of declining proſecuting my action any further; after thus trifling with me till it was out of my power to get properly fixed with another, time enough to try the cauſe at theſe aſſizes, where in all probability it would have been fully and fairly tried, before that learned and upright judge, Lord Chief Juſtice de Grey. All this he did under a pretence of friendſhip; therefore I took my affairs out of his hands, well convinced of the truth of Gay's ſentiments, that

"An open foe may prove a curſe;
"But a pretended friend was worſe.

At length a friend of mine informed me, that he knew a Mr. Jenkenſon, Attorney at Law, in Hoxton Square, who had in ſeveral inſtances gone through buſineſs in his profeſſion with great integrity, after others of reputed abilities, &c. had thrown cold water upon the matter; whereupon I laid my buſineſs and papers before him, who was diſſatisfied with Mr. Wallace's aforeſaid opinion, and laid it before Serjeant Walker; and upon the 30th of October, we went together to take his opinion, upon Mr. Wallace's opinion and caſe; when he informed us thus: "I have looked over this caſe very carefully, but will read it over again." then ſaid, "I am clearly of opinion, this action will lie." Mr. Jenkenſon then aſked him, if he would adviſe him to go on with it; to which the Serjeant anſwered, that is no part of my buſineſs, that belongs to Mr. Bruckſhaw. I have only to ſay, as I ſaid before; "that the action will lie." We withdrew and parted in Fleet Street, when Mr. Jenkenſon ſaid, "I will give the Defendants notice

of trial, as ſoon as you pleaſe." A few days after, I ſaw him, and the aforeſaid Mr. William Bolton, walking arm in arm, along St. Paul's Church Yard, and the next time I called upon him in his office, he began to raiſe objections, which I interpreted into ſome deſire he had to decline; therefore I told him, if he choſe to give me my papers, we would part, which he immediately did.

A friend of mine having informed me that Mr. Charles Funter, Attorney at Law, in King's Street, to whom he had intimated my caſe, had expreſſed a wiſh, that the cauſe had fallen into his hands, as a clearer and more ſubſtantial caſe could not be. I immediately laid my papers before him; to which he ſaid, "I ſee Mr. Raincock commenced this action: I can give you no anſwer, till I have ſpoke with him; he is my very good friend, and I muſt know what he ſays reſpecting this matter;' here the buſineſs hung ſome days, and when I preſſed him for an anſwer, he ſaid, "Mr. Bolton tells me, it will be as much as my life is worth to go to Lincoln and try this cauſe. Beſides, I am afraid that I ſhall be liable to an action, if I was to carry it on, as it is againſt magiſtrates." Then I got my papers out of his hands as ſoon as I could. He is an Attorney of the Sheriffs Court, and Meſſrs. Raincock and Bolton, Secondaries of Wood Street and Poultry Compters.

Soon after this, the ſaid Mr. Funter made me an offer of a wager of one hundred pounds that my cauſe never would be tried.

A Client of Mr. George Theakſton's, Attorney at Law, in the Temple, being informed how I had been drove about, from one attorney to another, expreſſed a wiſh that he had the opportunity of

of taking me to his Attorney, the ſaid Mr. Theakſton, and I being informed of it, waited upon him, and told him my papers were then in my own hands, and diſengaged, therefore if he chuſed, I would go with him to his Attorney in the Temple, and know of him what ſervice he could do me in it. We went, and on the 26th of November, 1772, I laid the action before him; all this while, neither I nor my friends were able to procure me any employ.

About this time, Mr. Mark Huiſh, of Nottingham, was in town, to whom I related my aforeſaid caſe, and the ſituation of this action, who replied, "the principal matter you want with Counſel is a good examiner, that can work unwilling witneſſes about, till they give full evidence of the truth: I take Mr. Newnham to be infinitely the beſt that goes the Middle-land Circuit.

When I next ſaw Mr. Theakſton, he deſired me to draw up my inſtructions for the briefs in writing, which I did in the manner of an affidavit, and delivered them to him in December, when he declared they were to his ſatisfaction. I conſulted him upon retaining Meſſrs. Newnham and Wheler for our Counſel; he approved of them, and left them retainers, and made out the Briefs, *(a)* and other neceſſaries for

(a) On this occaſion my Brother incloſed to me an order ſigned by the Defendants, John Hopkins, Mayor, and John Exon, Alderman, declaring me inſane; without either information from Dr. Jackſon, or the complaint of Mr. Langton, as the order to Wilſons, and dated the 15th, the day after the impriſonment was made, directed to the pariſh officers, of All Saints, in the ſaid borough, &c. Pleaſe to obſerve, the alderman never ſaw me at all upon that occaſion; my Brother in his letters ſays he received it from Mr. Hopkins, along with the papers that were taken out of my pocket by the ruffians, in the garret aforeſaid, on the ſaid 15th of June. Why not made out to warrant William Clarke, John Walker, Robert White, and James White?

for bringing the action to trial: (on the 22d of December, I ſaw with him in Lincoln's Inn Hall, the aforeſaid Meſſrs. Jenkenſon and Bolton), and he took out ſubpœnas for twenty witneſſes, (a) in the different counties aforeſaid, and we ſent a ſpecial meſſenger to ſerve thoſe in and near Stamford, and he got the reſt ſerved by agents in the uſual way.

We went down together to Lincoln, and on the 6th of March, we called upon Mr. Wyche, the town clerk of Stamford, in our way, of whom Mr. Theakſton demanded to ſee the records of my ſaid impriſonment, &c. To which he anſwered, "We never record any ſuch tranſactions." That evening we arrived at Lincoln, and I attended a private conſultation with him upon our counſel, Meſſrs. Newnham and Wheler; when we were informed the Defendants were in great hopes of a nonſuit, upon the act of the 24th of Geo. II. as they had not had notice, as magiſtrates, agreeable to the aforeſaid act. To which Mr. Theakſton obſerved, "It cannot be known whether they are intitled to ſuch notice or not, without going into the merits of the caſe, and then it will be ſeen how they have acted as Magiſtrates;" and ſaid, that Mr. Newnham recommendeded it, to have another counſel, as there

(a) When we called upon the aforeſaid Mr. Barnard to know what evidence he would give reſpecting my conſequential damages; he anſwered, "that I expected him in town, in June 1770, to take my accounts, and inſtructions according to our agreement at Stockport, in May, and a letter which I received from him, dated Halifax, June the 11th, 1770. I cannot ſay what improvements he might have made to my eſtabliſhment in thoſe counties we fixed upon, as I then ſtood in them, his buſineſs for me would have produced to him a good hundred per year; I could not think of renewing a contract of ſuch truſt with him, after what was ſo publickly reported of his inſanity." I applied to other houſes, and found the ſame report had done me irreparable miſchief.

there were twenty of our own witneſſes to examine, and a ſpecial jury. To this I conſented, and Mr. Theakſton retained Mr. Balguy, and took down his private examination of our witneſſes in writing, all of which anſwered our expectation, except a few from Stamford, and the aforeſaid Mr. Thong of Huntingdon. The cauſe came on in the forenoon on the 10th of March 1773, before

Mr. JUSTICE BLACKSTONE,

When only eight Special Jurors appeared and were ſworn; then I prayed a talis for four more, to make up My Jury, which was granted, and they were accordingly called and ſworn.

After Mr. BALGUY had gone through the Declaration in the uſual manner,

Mr. NEWNHAM roſe and expatiated a little upon the Special Matter, and obſerved, That the Defendants had been guilty of a very heinous crime, if his client's caſe, "contained in theſe ſheets in my hand (ſays he) are true;" and without going over the contents, or putting in the defendants order, called the third witneſs in his brief; neither did he put in the letter purporting to be Mr. Ding's anſwer to Mr. Hardy.

Edward Read Thong ſworn. The evidence taken down; by Mr. Balguy he ſays, "I never ſaw the Plaintiff, till the 14th of June, 1770, was in his company that day, once at Langton's, once at the Bull. The Plaintiff ſat in the ſame room at the Bull, and was in a violent paſſion, in reſpect of an eſtate which Langton had got.——Hopkins was alſo at the Bull, and recommended to the Plaintiff not to go to the race, unleſs he went with him, and on the Plaintiff's ordering his horſe to go, Hopkins

kins inſiſted he ſhould not, and on perſiſting afterwards, ordered him into cuſtody of the common Serjeant, who carried him to goal; ſaw Plaintiff in priſon ſame day, and he was very angry; never ſaw Plaintiff afterwards till Trinity Term," 1772, in London."

Croſs Examined.

" Plaintiff made a great noiſe at Langton's houſe.—Langton ſaid he was mad.—Mrs. Langton took her children up ſtairs.—It was about 12.—They dined at the Bull at 2.—That he adviſed him not to go to the races, leſt he ſhould go to Langton's.—Plaintiff talked ſenſibly, though he was furious.—Hopkins talked of ſending for his officers, and he believes they came.—He thinks he remembers Langton's complaining of Plaintiff at the Bull."

In his private examination by Mr. Theakſton, he ſays, " that Hopkins ordered four or five men, to ſeize Plaintiff in the Bull Inn yard, and take him to the goal; that he ſaw no Proceſs; that Hopkins followed Plaintiff to goal, and that two magiſtrates are obliged to commit.

James Gee ſworn; but not permitted to go on in his evidence: no notice is taken of the little he did ſay, by my counſel.

Serjeant Hill, for the Defendants, then proved the Defendant Hopkins Mayor, and that he had not had notice conformable to the act of the 24th of George the ſecond; obſerving that the Mayor only took proper care of the Plaintiff, till his friends (*a*) who lived at ſome diſtance, could be informed by a ſpecial meſſenger, which he ſent to know how the Plaintiff was, and that in a few days his uncle and

(*a*) See appendix. No. 7. 8.

brother

Brother came and took him away, therefore as my client only acted in the execution of his office, we are entitled to a nonſuit upon this act, as the action is brought without notice," his lordſhip was not ſo clear in that point; ſo permitted us to call the conſtable who firſt ſeized me at Langton's, and releaſed me in the ſtreet, by the Mayor's order.

Elias Buſwell, ſworn. His evidence is not noticed by my three counſel. I remember he contradicted himſelf ſeveral times; ſaid he was ſent to Langton's by the Defendant Hopkins, with no warrant but his ſtaff; that Joſeph Needham aſſiſted him in taking me from Langton's to the Mayor's, and made confuſed work about that releaſe; but was very confident that Thickbroom, the town Serjeant aſſiſted him in ſeizing me in the Bull Inn yard, and taking me from thence to the goal by the order of Defendant Hopkins.—— Thickbroom himſelf ſays in his examination by Mr. Theakſton, that he ſaw and ſpoke with me in the Bull Inn yard, before dinner, on the ſaid 14th of June, 1770, and again at Clarke the goaler's in the evening, at Defendant Hopkin's next morning, and that he never ſaw any Proceſs for committing Plaintiff, &c. When we came out of court, he poſitively declared he ſaw no part of the ſeizure in the Bull Inn yard; that he believes he was at the race at that time.

The Defendants were not even called upon to produce Langton's complaint, nor any of the other requiſites to a commitment.

Serjeant Hill again puſhed for the nonſuit: Mr. Wheler replied, " there are a number of inſtances ſolemnly determined where magiſtrates and other judicial officers have not been intitled to notice or any protection, under the ſaid act, and quoted Money and Leech, Smith a conſtable in Chancery

Lane, an action tried at Norwich, and many others. And has noted upon his Brief, " *Sane or not Sane gives the juriſdiction.*"

His lordſhip, with the ſaid act before him, ſaid, " I think the Plaintiff had better be nonſuited than have a verdict againſt him. I'll not certify; and then he may move the Court of King's Bench to ſet the nonſuit aſide, which the courts have made an eſtabliſhed rule occaſionally to do, and by that means he will get the opinion of the four judges.

My Counſel made no reply, and his lordſhip ordered the Plaintiff to be called, and a nonſuit declared. He was ſtraitened for time to go through the buſineſs of the Aſſize.

As we came out of court, ſome of my jury expreſſed their ſurprize to ſeveral of my witneſſes, that the action, with all its circumſtances, did not come fully before them for their verdict; adding, " which would have been for every halfpenny laid in the declaration, as we are fully ſatisfied of the injuſtice: Mr. Criſpin ordered the declaration to be drawn for no more than 5000 *l.* damages againſt the Defendants.

Mr. Thong came to my quarters, and contended for genteel payment as a witneſs, alledging that he was an Attorney; he was paid accordingly, and immediately afterwards went to Mr. Hopkins quarters, to give him joy of this nonſuit, which he did in the preſence of many witneſſes.

I was immediately adviſed to ſet this nonſuit aſide, and my Attorney was aſked the mode and expence by ſeveral of my witneſſes; to which he anſwered, " about 12 or 14 *l.* will ſet it aſide, it will only require a few more affidavits to thoſe three we have, to ſupport Mr. Bruckſhaw's own." I now find by the Defendant's bill of coſts, which I have paid, that they had for witneſſes at theſe aſſizes, the three aforeſaid ruffians, Walker, Whittle, and White, the ſaid Mr. Langton, and five reſpectable perſons more, who never ſaw me during the ſaid impriſonment. I ſtaid a few days amongſt my acquaintance in Lincolnſhire, when I was informed by *one of the Common Council* of Stamford, that THE CORPORATION HELD A COMMON-HALL, PRIOR TO THIS TRIAL COMING ON, AND MADE AN ORDER THAT THE EXPENCES SHOULD BE PAID OUT OF THE CORPORATION-STOCK: and that they had my Stamford witneſſes up at the Crown Inn, and Buſwell at the town clerk's, the morning he came off to me at Lincoln.

When I came up to town my Attorney got the neceſſary affidavits to thoſe three Mr. Raincock drew, retained Mr. Dunning for the motion to ſet aſide the nonſuit, and prepared him a Brief as I underſtood of the affidavits abſtracted, and the Defendants order of the 15th of June, 1770; and on the 28th of April, in Weſtminſter-Hall, we had a conſultation with Mr. Dunning, when he declared himſelf exactly to the ſame purport as Mr. Kitchen; viz. " That the courts did not permit judicial officers, to ſhelter themſelves under the aforeſaid act, when they have proceeded wilfully wrong;" and the next day he obtained a rule for the Defendants to ſhew cauſe why the ſaid nonſuit ſhould not be ſet aſide: the buſineſs hung in court till the 14th of May, it was then called on, when

Lord MANSFIELD ſaid,

" I can ſee no cauſe for the impriſonment at all. If this cauſe had come on before me, I would have

ſubjected the Defendants to the jury's verdict. Have any propoſals been made to the Plaintiff?" I was called upon to anſwer that queſtion, and ſaid, "none my lord, they have even rejected my offer to accept of any equitable propoſals." Then his lordſhip ſet the nonſuit aſide, "*without prejudice to the queſtion*," as none of my affidavits had even read, nor the order: Then Serjeant Hill ſaid, "but my Lord we are intitled to coſts:" his lordſhip ſaid, "how can that be in this caſe?" "it is the condition of the rule, my lord:" "how ſo? Mr. Dunning, is the rule drawn with payment of coſts?" Mr. Dunning anſwered, "the rule is ſo drawn my lord, I did not mention it, becauſe I thought it unreaſonable;" to which all the judges ſaid, "*certainly*."—Serjeant Hill ſaid, "but, my lord, it is the expreſs condition of the rule:" they anſwered, "*We ſee it ſo.*"

I met Mr. Cooper, Attorney at Law, in Quality Court, Chancery Lane, a few days after this in Weſtminſter, who had ſaid "he knew I ſhould be nonſuited at Lincoln," when I addreſſed him thus: "well, Mr Cooper, what do you think of my action, now the nonſuit is ſet aſide? he anſwered, "I think you will have a jury's verdict, with exemplary damages," and mentioned the cauſe of Mayer againſt Hunter, himſelf Attorney for the Defendant, confident of a nonſuit for his client; "but I find by this experience there is no ſuch thing without the Plaintiff's conſent". I alſo aſked Mr. Theakſton's opinion; he anſwered "you may depend upon it we ſhall now go fully into the caſe, and have a deciſion by a Jury's verdict; neither judge nor counſel will chuſe to let it come nonſuited again before my Lord Mansfield". All this time I could not, even with the aſſiſtance of my friends, get into any

any employ. When I ſaw Mr. Theakſton again, he ſaid, "I ſaw Mr. Newnham to day, and he deſired I would let you know that he has been offered a retainer by the Defendants, but will not accept it till he hears from you." I replied, "you could have given him his anſwer; you muſt join in the opinion of my friends, that it would be very imprudent in me to truſt my cauſe in his hands a ſecond time: if you approve of it, you may retain Meſſrs. Wheler and Balguy:" he anſwered, "I will, and you are to conſider that Mr. Newnham is acquainted with the ſecrets of our caſe:" "true, but does he know of a weak part in it?" "no, I don't believe he does:" then don't retain him." A few days after I ſaw Mr. Theakſton again, when he ſaid, "I have given Mr. Newnham his anſwer, to which he replied, I did not intend taking any fee with Mr. Bruckſhaw's Brief, but now I would not take his Brief if he was ever ſo deſirous that I ſhould." (*a*) He taxed and paid the Defendant's coſts; made ſome amendments to his Briefs; ſubpœned nineteen witneſſes; drew a freſh record meerly as a new action, without taking the leaſt notice that it had been once nonſuited upon the aforeſaid act, and that nonſuit ſet aſide by the court of King's Bench; gave notice of trial and other requiſites for bringing the cauſe before the court of aſſize at Lincoln, to be held at the caſtle of Lincoln on the 14th of Auguſt, 1773.

(*a*) About this time I met the aforeſaid Mr. Raincock, and Mr. Criſpin, and told them that I was informed Mr. Newnham was retained againſt me: they both replied, "nothing more likely, but you may be aſſured Mr. Newnham will not riſk his own reputation ſo much as to plead in a cauſe againſt you, in which he has been concerned, and which never was been opened."

' About this time we were appriſed that Serjeant Glynn was going down to Newcaſtle to plead the cauſe of the freemen of that borough, at the aſſizes which opened there on the 7th inſt. and my friends being apprehenſive that the Defendants had a great ſuperiority of counſel, adviſed me to try if the Serjeant would take my Brief, with a fee of twenty or thirty guineas upon his return from Newcaſtle, as it would be about his time, and not above twenty miles out of his way: they were of opinion he would give me his aſſiſtance on thoſe terms, under all the circumſtances of the caſe; accordingly on the 2d inſt. we waited upon the Serjeant at his own houſe, and acquainted him with our deſire as aforeſaid, and that we would give him thirty guineas with the Brief: he replied, " I ſhould have thought FIFTY ſufficient, but if you call at my chambers, whatever my clerk does will be right." We immediately withdrew and called accordingly, and informed his clerk with our buſineſs, who replied, " this is a buſineſs out of the common way; I can ſay nothing to it, till I have ſpoke to the Serjeant; if you'll call to-morrow, I'll give you your anſwer," therefore as I was to leave town the next morning, Mr. Theakſton was to call, and inform me of the anſwer at Norwich, which he did, " that the Serjeant declined giving us his aſſiſtance, alledging he was afraid it would be too great a fatigue for him."

I then went amongſt my friends in Lincolnſhire, who informed me, " that the Defendants were more confident of a ſecond nonſuit, than they were of the firſt, and that their Attorney was in London making preparations for it, that they were afraid of no expence, as they had made an order of common-hall that

that all the expences ſhould be paid out of the corporation ſtock." On the 16th Mr. Theakſton met me at Lincoln; we entered our record, and I informed him as aforeſaid; he anſwered, " I have been informed the ſame, but you need not be afraid, though I don't like our Stamford witneſſes ſo well as I did in March, but I myſelf will inſiſt upon our jury's verdict, and the counſel are determined they will not be nonſuited: this is the laſt place in this circuit, therefore the judges are not ſtraitened for time, and I find we are likely to have a very good jury:" our witneſſes all attended, and Mr. Theakſton went to a private conſultation with our counſel by himſelf *(a)*.

On the 18th, when his lordſhip had been in court about 10 hours, my action was called on before

Mr. BARON PERROTT,

and eight or nine of my ſpecial jurors appearing they were duly ſworn. I prayed a talis to make them up twelve, which was granted me, and they were alſo ſworn. Then

Mr. Balguy, read the declaration, as at the Lent nonſuit.

Mr. Wheler roſe up, and without looking into his Brief, made an opening as near as I can recollect in theſe words: " my lord, and you gentlemen on the jury, my client, the Plaintiff, was a woolſtapler at Bourn, a buſineſs of conſiderable conſequence in this county, made a purchaſe in Stamford which embarraſſed his affairs, he made an aſſignment and

(a) At Lincoln my witneſſes from Scout Mill informed me thus, " Wilſons are afraid that you will be upon them next, and has made their property over in truſt to their friends."

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(a) See appendix. No. 7. 8.

brother

Brother came and took him away, therefore as my client only acted in the execution of his office, we are entitled to a nonſuit upon this act, as the action is brought without notice," his lordſhip was not ſo clear in that point; ſo permitted us to call the conſtable who firſt ſeized me at Langton's, and releaſed me in the ſtreet, by the Mayor's order.

Elias Buſwell, ſworn. His evidence is not noticed by my three counſel. I remember he contradicted himſelf ſeveral times; ſaid he was ſent to Langton's by the Defendant Hopkins, with no warrant but his ſtaff; that Joſeph Needham aſſiſted him in taking me from Langton's to the Mayor's, and made confuſed work about that releaſe; but was very confident that Thickbroom, the town Serjeant aſſiſted him in ſeizing me in the Bull Inn yard, and taking me from thence to the goal by the order of Defendant Hopkins.—— Thickbroom himſelf ſays in his examination by Mr. Theakſton, that he ſaw and ſpoke with me in the Bull Inn yard, before dinner, on the ſaid 14th of June, 1770, and again at Clarke the goaler's in the evening, at Defendant Hopkin's next morning, and that he never ſaw any Proceſs for committing Plaintiff, &c. When we came out of court, he poſitively declared he ſaw no part of the ſeizure in the Bull Inn yard; that he believes he was at the race at that time.

The Defendants were not even called upon to produce Langton's complaint, nor any of the other requiſites to a commitment.

Serjeant Hill again puſhed for the nonſuit: Mr. Wheler replied, " there are a number of inſtances ſolemnly determined where magiſtrates and other judicial officers have not been intitled to notice or any protection, under the ſaid act, and quoted Money and Leech, Smith a conſtable in Chancery

Lane, an action tried at Norwich, and many others. And has noted upon his Brief, " *Sane or not Sane gives the juriſdiction.*"

His lordſhip, with the ſaid act before him, ſaid, " I think the Plaintiff had better be nonſuited than have a verdict againſt him. I'll not certify; and then he may move the Court of King's Bench to ſet the nonſuit aſide, which the courts have made an eſtabliſhed rule occaſionally to do, and by that means he will get the opinion of the four judges.

My Counſel made no reply, and his lordſhip ordered the Plaintiff to be called, and a nonſuit declared. He was ſtraitened for time to go through the buſineſs of the Aſſize.

As we came out of court, ſome of my jury expreſſed their ſurprize to ſeveral of my witneſſes, that the action, with all its circumſtances, did not come fully before them for their verdict; adding, " which would have been for every halfpenny laid in the declaration, as we are fully ſatisfied of the injuſtice: Mr. Criſpin ordered the declaration to be drawn for no more than 5000 *l.* damages againſt the Defendants.

Mr. Thong came to my quarters, and contended for genteel payment as a witneſs, alledging that he was an Attorney; he was paid accordingly, and immediately afterwards went to Mr. Hopkins quarters, to give him joy of this nonſuit, which he did in the preſence of many witneſſes.

I was immediately adviſed to ſet this nonſuit aſide, and my Attorney was aſked the mode and expence by ſeveral of my witneſſes; to which he anſwered, " about 12 or 14 *l.* will ſet it aſide, it will only require a few more affidavits to thoſe three we have, to ſupport Mr. Bruckſhaw's own." I now find by the Defendant's bill of coſts, which I have paid, that

that they had for witneſſes at theſe aſſizes, the three aforeſaid ruffians, Walker, Whittle, and White, the ſaid Mr. Langton, and five reſpectable perſons more, who never ſaw me during the ſaid impriſonment. I ſtaid a few days amongſt my acquaintance in Lincolnſhire, when I was informed by *one of the Common Council* of Stamford, that THE CORPORATION HELD A COMMON-HALL, PRIOR TO THIS TRIAL COMING ON, AND MADE AN ORDER THAT THE EXPENCES SHOULD BE PAID OUT OF THE CORPORATION-STOCK: and that they had my Stamford witneſſes up at the Crown Inn, and Buſwell at the town clerk's, the morning he came off to me at Lincoln.

When I came up to town my Attorney got the neceſſary affidavits to thoſe three Mr. Raincock drew, retained Mr. Dunning for the motion to ſet aſide the nonſuit, and prepared him a Brief as I underſtood of the affidavits abſtracted, and the Defendants order of the 15th of June, 1770; and on the 28th of April, in Weſtminſter-Hall, we had a conſultation with Mr. Dunning, when he declared himſelf exactly to the ſame purport as Mr. Kitchen; viz. " That the courts did not permit judicial officers, to ſhelter themſelves under the aforeſaid act, when they have proceeded wilfully wrong;" and the next day he obtained a rule for the Defendants to ſhew cauſe why the ſaid nonſuit ſhould not be ſet aſide: the buſineſs hung in court till the 14th of May, it was then called on, when

Lord MANSFIELD ſaid,

" I can ſee no cauſe for the impriſonment at all. If this cauſe had come on before me, I would have

ſubjected the Defendants to the jury's verdict. Have any propoſals been made to the Plaintiff?" I was called upon to anſwer that queſtion, and ſaid, " none my lord, they have even rejected my offer to accept of any equitable propoſals." Then his lordſhip ſet the nonſuit aſide, " *without prejudice to the queſtion*," as none of my affidavits had been read, nor the order: Then Serjeant Hill ſaid, " but my Lord we are intitled to coſts:" his lordſhip ſaid, " how can that be in this caſe?" " it is the condition of the rule, my lord:" " how ſo? Mr. Dunning, is the rule drawn with payment of coſts?" Mr. Dunning anſwered, " the rule is ſo drawn my lord, I did not mention it, becauſe I thought it unreaſonable;" to which all the judges ſaid, " *certainly*."—Serjeant Hill ſaid, " but, my lord, it is the expreſs condition of the rule:" they anſwered, " *we will it ſo.*"

I met Mr. Cooper, Attorney at Law, in Quality Court, Chancery Lane, a few days after this in Weſtminſter, who had ſaid " he knew I ſhould be nonſuited at Lincoln," when I addreſſed him thus: " well, Mr Cooper, what do you think of my action, now the nonſuit is ſet aſide? he anſwered, " I think you will have a jury's verdict, with exemplary damages," and mentioned the cauſe of Mayer againſt Hunter, himſelf Attorney for the Defendant, confident of a nonſuit for his client; " but I find by this experience there is no ſuch thing without the Plaintiff's conſent". I alſo aſked Mr. Theakſton's opinion; he anſwered " you may depend upon it we ſhall now go fully into the caſe, and have a deciſion by a Jury's verdict; neither judge nor counſel will chuſe to let it come nonſuited again before my Lord Mansfield". All this time I could not, even with the aſſiſtance of my friends, get into any

any employ. When I ſaw Mr. Theakſton again, he ſaid, " I ſaw Mr. Newnham to day, and he deſired I would let you know that he has been offered a retainer by the Defendants, but will not accept it till he hears from you." I replied, " you could have given him his anſwer; you muſt join in the opinion of my friends, that it would be very imprudent in me to truſt my cauſe in his hands a ſecond time: if you approve of it, you may retain Meſſrs. Wheler and Balguy:" he anſwered, " I will, and you are to conſider that Mr. Newnham is acquainted with the ſecrets of our caſe:" " true, but does he know of a weak part in it?" " no, I don't believe he does:" then don't retain him." A few days after I ſaw Mr. Theakſton again, when he ſaid, " I have given Mr. Newnham his anſwer, to which he replied, I did not intend taking any fee with Mr. Bruckſhaw's Brief, but now I would not take his Brief if he was ever ſo deſirous that I ſhould." (*a*) He taxed and paid the Defendant's coſts; made ſome amendments to his Briefs; ſubpœned nineteen witneſſes; drew a freſh record meerly as a new action, without taking the leaſt notice that it had been once nonſuited upon the aforeſaid act, and that nonſuit ſet aſide by the court of King's Bench; gave notice of trial and other requiſites for bringing the cauſe before the court of aſſize at Lincoln, to be held at the caſtle of Lincoln on the 14th of Auguſt, 1773.

(*a*) About this time I met the aforeſaid Mr. Raincock, and Mr. Criſpin, and told them that I was informed Mr. Newnham was retained againſt me: they both replied, " nothing more likely, but you may be aſſured Mr. Newnham will not riſk his own reputation ſo much as to plead in a cauſe againſt you, in which he has been concerned, and which never has been opened."

' About this time we were appriſed that Serjeant Glynn was going down to Newcaſtle to plead the cauſe of the freemen of that borough, at the aſſizes which opened there on the 7th inſt. and my friends being apprehenſive that the Defendants had a great ſuperiority of counſel, adviſed me to try if the Serjeant would take my Brief, with a fee of twenty or thirty guineas upon his return from Newcaſtle, as it would be about his time, and not above twenty miles out of his way: they were of opinion he would give me his aſſiſtance on thoſe terms, under all the circumſtances of the caſe; accordingly on the 2d inſt. we waited upon the Serjeant at his own houſe, and acquainted him with our deſire as aforeſaid, and that we would give him thirty guineas with the Brief: he replied, " I ſhould have thought FIFTY ſufficient, but if you call at my chambers, whatever my clerk does will be right." We immediately withdrew and called accordingly, and informed his clerk with our buſineſs, who replied, " this is a buſineſs out of the common way; I can ſay nothing to it, till I have ſpoke to the Serjeant; if you'll call to-morrow, I'll give you your anſwer," therefore as I was to leave town the next morning, Mr. Theakſton was to call, and inform me of the anſwer at Norwich, which he did, " that the Serjeant declined giving us his aſſiſtance, alledging he was afraid it would be too great a fatigue for him."

I then went amongſt my friends in Lincolnſhire, who informed me, " that the Defendants were more confident of a ſecond nonſuit, than they were of the firſt, and that their Attorney was in London making preparations for it, that they were afraid of no expence, as they had made an order of common-hall that

that all the expences ſhould be paid out of the corporation ſtock." On the 16th Mr. Theakſton met me at Lincoln; we entered our record, and I informed him as aforeſaid; he anſwered, " I have been informed the ſame, but you need not be afraid, though I don't like our Stamford witneſſes ſo well as I did in March, but I myſelf will inſiſt upon our jury's verdict, and the counſel are determined they will not be nonſuited: this is the laſt place in this circuit, therefore the judges are not ſtraitened for time, and I find we are likely to have a very good jury:" our witneſſes all attended, and Mr. Theakſton went to a private conſultation with our counſel by himſelf *(a)*.

On the 18th, when his lordſhip had been in court about 10 hours, my action was called on *before*

Mr. BARON PERROTT,

and eight or nine of my ſpecial jurors appearing they were duly ſworn. I prayed a talis to make them up twelve, which was granted me, and they were alſo ſworn. Then

Mr. Balguy, read the declaration, as at the Lent nonſuit.

Mr. Wheler roſe up, and without looking into his Brief, made an opening as near as I can recollect in theſe words: " my lord, and you gentlemen on the jury, my client, the Plaintiff, was a woolſtapler at Bourn, a buſineſs of conſiderable conſequence in this county, made a purchaſe in Stamford which embarraſſed his affairs, he made an aſſignment and

(a) At Lincoln my witneſſes from Scout Mill informed me thus, " Wilſons are afraid that you will be upon them next, and has made their property over in truſt to their friends."

was impriſoned at Stamford ſeveral days," and then called the ſame unwilling witneſs as at the Lent nonſuit, (which he did not ſo much as notice in the ſlighteſt degree;) this witneſs ſtands the firſt in his Brief, the Attorney of Huntingdon Mr. Langton's friend.

Edward Read Thorg, ſworn, his evidence taken down by Mr. Wheler; "was at Langton's on the 14th of June, when Mr. Bruckſhaw was there, can't recollect the particular converſation, only that in general they talked about the houſe.

"Hopkins was in company after with witneſs at the Bull—Hopkins deſired(a) overheard Bruckſhaw about being at Langton's and behaving in an outrageous manner at the Bull—Hopkins ſent him to goal, as witneſs conceives on the complaint of Langton—Bruckſhaw came in cuſtody of the conſtables into the Bull.

"Heard Hopkins order him into cuſtody (a) priſon; Langton was there—Hopkins a Juſtice of Peace—Bruckſhaw was brought to him."

Croſs-Examination taken down by Mr. Balguy.

Edward Read Thorg. "Before the order of Defendant's commitment, rather thinks Langton came there—rather thinks he was in cuſtody of a peace-officer."

For the Defendant.

Mr. Newnham roſe up and ſaid, "Produce your Notice; you ſhall proceed no further 'till you have produced your Notice:" and put the ſaid ſtatute of the 24th of G. II. into his Lordſhip's hand.—— Then my counſel called

Daniel Ding, ſworn; but no part of his evidence is noticed upon my counſel's brief. He ſaid, "Mr.

(a) Verbatim from the Brief.

Bruckſhaw

Bruckſhaw and I have lived in the ſame houſe many years; I heard he was at the Mayor's on Friday the 15th of June, 1770, and called in there to ſee him, and gave him a letter which I had received from Mr. Hardy, on his account; and I ſaw him again the Friday following, in a garret, in Clarke the gaoler's houſe: and at both theſe times he was as much in his ſenſes as I ever ſaw him, and as capable of managing his buſineſs." I handed out to him a letter which Mr. Hardy gave me, ſaying, "it came to him as Mr. Ding's *(a)*. Mr. Ding looked at it, and gave in evidence, "I never wrote a ſyllable or letter of it, nor ordered ſuch letter to be wrote: I know nothing of it."—The Cryer of the Court was ordered to take it from him, which he inſtantly did, and he was not permitted to proceed in his evidence. Then Mr. Newnham, for the Defendants, called one

Halford Allam (b), ſworn. Says "he was ſervant to Langton;" and my counſel have taken his evidence down in theſe words: "Plaintiff forced his way into Langton's houſe, and was near knocking the witneſs down. Langton ſent him to the Mayor, Hopkins, to lay a complaint that Plaintiff was a madman, had broke into his premiſes, deſiring him to ſend his peace-officers—peace-officers came immediately."

His Croſs-Examination taken by Mr. Balguy—*thus.*

"Don't ſay Plaintiff touched him—no writing

(a) See this Letter, Appendix, No VIII.

(b) This witneſs has not the leaſt reſemblance of the boy who opened the gate to me twice at Langton's, both times in the forenoon. The Defendant's bill of coſts, which I have alſo paid, ſhews that he was procured from Highgate, and ſcholar ſufficient to examine the original Rule of Court for ſetting the Lent nonſuit aſide, and appeared as if he had not been uſed to a livery.

at

at the time of his applying to the Juſtice Defendant."

Defendant's ſecond Witneſs taken by my Counſel in theſe Words.

Elias Buſwell, ſworn. "Was a conſtable at Stamford; June 1770, he had orders from the Townſerjeant by Thickbroom's orders—Plaintiff came in and behaved ill, ſtruck him, and threw him againſt the wall—witneſs caught him by the collar firſt, when Needham came, took him before the Mayor at the Bull."

Croſs-Examination taken down by Mr. Wheler.

"Had his ſtaff in his hand, but produced no authority;" whereupon Mr. Newnham moved again for a nonſuit under the aforeſaid act of parliament, without producing any of the requiſites to a commitment: whereupon his Lordſhip ſaid, *(a)* "Call the Plaintiff." I immediately roſe up and ſaid, "This action was non-ſuited here at the laſt aſſizes upon the ſame account, and that nonſuit has been ſet aſide by the Court of King's Bench, when Lord Mansfield declared, that he could ſee no cauſe for an impriſonment at all; and that if the cauſe had come on before him, he would have ſubjected the Defendants to the Jury's verdict: The Defendants have been indulged in having the venue changed hither: They cannot apprehend any injuſ-

(a) It may be neceſſary to inform thoſe readers who are lucky enough to know nothing of law, that a nonſuit is always obtained by the ſuppoſed default of the Plaintiff, who is ſaid not to purſue his cauſe *(non ſequitur)* to the hearing of the court. Hence it is always a form *to call the Plaintiff*, who not anſwering, the nonſuit takes place. This is ſo neceſſary, that it is always ſo aſſerted in the Poſtea Endorſement on the back of the Record; how truly, in this caſe, facts will beſt declare.—— "A nonſuit, ſays Judge Blackſtone in his Commentaries, is a DEFAULT and NEGLECT of the Plaintiff."

tice

tice from the verdict of a Special Jury of their own county; and as they are here for the ſecond time impanelled and ſworn at my expence, I chuſe that my cauſe ſhall be finally decided by their verdict." To which his Lordſhip anſwered, I do not regard either what was determined or ſaid in the Court of King's Bench: I will judge for myſelf. I am determined to protect Magiſtrates. If my Brother Blackſtone had not omitted to take notes of the evidence given before him at the laſt Aſſizes, that nonſuit would not have been ſet aſide; I have taken notes, and will make a different report: call the Plaintiff." My counſel were quite mute, but my Attorney roſe up and ſaid, "My lord, if you call the Plaintiff he will anſwer, we will not be nonſuited." To which his Lordſhip ſternly replied: "who are you?—you ſhall learn to behave decently in court, or I will commit you," and abruptly retired from his ſeat of Juſtice, which threw the whole court into the utmoſt confuſion: neither I, nor ſeveral of my witneſſes heard this nonſuit publickly declared.

I ſoon after arrived in London, where my friends conſidered it as an impoſſibility that I could be again nonſuited upon the ſame act, and ſeveral gentlemen learned in the Law and of the Legiſlative Body, expreſſed their aſtoniſhment, but unanimouſly agreed that the Defendants had now waded ſo deep that if I was to carry the cauſe to trial again at the Aſſizes at Lincoln, they would find out means to defeat juſtice in this caſe there, and therefore that it is now moſt adviſeable to bring this action ſpecial in the Court of Common Pleas, lay the Venue in London and try it by a ſpecial jury of Merchants in Guild-Hall.

Whereupon as my whole property is now become diſſipated, my character ruined, even with ſeeking

legal

legal redreſs, and my friends diſcouraged from lending me a helping hand, I was adviſed by ſome to draw up a petition to his Majeſty, as ſhort as I could poſſibly convey theſe grievances with propriety, and I being very deſirous of procuring legal redreſs, I readily attended to theſe hopes and ſet about abſtracting the whole of my caſe, and drew them into a petition which I preſented to his Majeſty at St. James's, on the 8th of December laſt, which he was graciouſly pleaſed to receive, and upon Chriſtmas Day, I learnt it was lodged in Lord Suffolk's office, in Cleveland Row, where I ſoon after called to know the ſucceſs of my hopes, when I was anſwered, "that his lordſhip has been, and now is confined with the gout, but Mr. Fraſer, bids me inform you, that if you will call again in three or four days, your petition ſhall by that time be looked over, and then you ſhall have an anſwer what can be done in it." I withdrew very well ſatisfied with my anſwer, which ſeemed to promiſe ſome hopes of ſucceſs. After my aforeſaid abſtracted caſe the petition concluded thus:

"Your Petitioner humbly begs to make this obſervation upon a cauſe which was lately tried in Guildhall, in your Majeſty's Court of Common Pleas, where the learned judge took the evidence and ſumed it up to the jury, (with that patient, impartial candour, which clearly ſhews his lordſhip's integrity in executing the duties of his important office,) who brought in their verdict for the Plaintiff: the action was brought by one Mr. Fabrigas, againſt Governor Meſtyn, for a wilful abuſe of his judicial-office, in inflicting upon him a falſe and cruel impriſonment, fundamentally ſimilar to the aforeſaid, inflicted by the ſaid Defendants, John Hopkins and John Fxton upon your Petitioner; the Gover-

Governor being diſſatisfied with the jury's verdict, preſumed to diſpute the competency of your Majeſty's Court of Common Pleas to try the ſaid cauſe, and when that would not avail him, he moved the ſaid court for a new trial, which motion the learned judges of the ſaid court have unanimouſly thought proper to over-rule, thereby confirming the legality and juſtice of the ſaid verdict: that learned and upright Judge, Lord Chief Juſtice de Grey, in giving his reaſons why the ſaid Court judged it right to diſcharge the rule for a new trial, obſerved, "that all impriſonments ought to be inflicted with humanity, and that on account of the different feelings of men, particularly in perſonal wrongs, the Law very wiſely inſtituted twelve honeſt men as the propereſt judges to apportion thoſe damages, as the evidence and the particulars of the caſe may point out to their judgment and feelings." THEREFORE, as your petitioner has twice been denied the verdict of a jury, he is inclined to believe, that ſome colluſion muſt have been practiſed againſt him, which greatly aggravates the oppreſſion of your petitioner, as he is thus not only a ſecond time ſubjected to the payment of the Defendants coſts, but alſo totally ruined in both his property and character, beſides laid open to the prejudiced cenſure of the public, and the perſonal inſults of his malignant opponents and their adherents; circumſtances which every feeling man of principle muſt wiſh to ſee legally rectified by a jury's verdict, and ſacredly preſerved inviolate to poſterity; under ſuch accumulated oppreſſion, it is impoſſible for your Majeſty's ſubject to re-eſtabliſh or even ſupport himſelf, without the humane interpoſition of ſuperior aſſiſtance, which is the ſole cauſe why your Petitioner humbly preſumes

ſumes to trouble your Majeſty with this addreſs, caſe, and petition, and as your humble petitioner, has been thus inhumanly treated, twice denied an appeal to a jury, ſubjected to his own and the Defendants coſts, deprived of his property, with every other hope and proſpect of relief, begs to throw himſelf at the foot of the THRONE, in hopes your Majeſty will be moſt graciouſly pleaſed to conſider his caſe, and to do therein as ſhall appear moſt equitable:

And your humble Petitioner, as in duty bound, ſhall ever Pray.

LONDON, *December* 1773,
N° 28, *in the Poultry*."

On the 31ſt in the ſaid office, I met with three of the clerks, one of whom gave me back my Petition with this anſwer, "nothing can be done in it." I aſked who's anſwer it was? the reply was, "Mr. Fraſer ordered me to give that anſwer." I aſked him if he apprehended Lord Suffolk was acquainted with the Petition? he anſwered, "I cannot ſay: his Lordſhip has not been able to come to the office for ſome time, and is now confined to his room." I immediately withdrew without any hope of my Caſe being properly known, either to his Majeſty, or Lord Suffolk.

Therefore, I reſolved to publiſh the whole of my Caſe in this Pamphlet, for the good of my Fellow-Subjects, and with hopes of its procuring me neceſſary aſſiſtance to come at a full litigation with a deciſion of my accumulated grievances by a jury's verdict.

S. BRUCKSHAW.

CON-

CONCLUSION.

TO the humane feelings of thoſe who ſuffer at others woe, to thoſe liberal ſpirits who have been accuſtomed to rejoice in the idea of the ſecurity of Britiſh Subjects, this narrative is addreſſed.

Spurn it not, good reader, becauſe the language is artleſs, and perhaps tedious: nor wonder if in every circumſtance the unhappy ſufferer may not have acted wiſely. "Unhacknied in the ways of men," and irritated by ſuch accumulated wrongs, perhaps he may not have known how to tread ſuch a thorny path with the propriety which apathy may point out. As to the manner of laying this tale before you, it would perhaps have been unjuſt for any other pen to have undertaken the taſk.

If proceedings, ſuch as have been the ſubject of theſe ſheets, may paſs with impunity; ſay, ye Idolizers of the Britiſh Conſtitution, in what do you excel the ſubjects of the moſt deſpotic ſtates?

Able

Able calculators aſſert, that nine tenths of every community conſiſt of people of or under the rank of this man; does then our laws enable the other tenth to oppreſs theſe at their pleaſure?

I have nothing to ſay on the proceedings of his various Lawyers; they ſpeak for themſelves; only juſt ſuffer me to remark, *en paſſant*, that it fully verifies the wiſdom of that Chriſtian Precept, "if any man ſue thee at Law and take away thy Coat, let him have thy Cloak alſo." I defy the moſt able of our Divines, with the aid of Firſt, Secondly, Thirdly, and Laſtly, to illuſtrate this text more fully.

Upwards of Five hundred and twenty pounds has it coſt this man in paying his own law expences and the coſts of thoſe who have thus deſtroyed him *(a)*.

"To hope every thing even againſt hope."—

There is I think ſomewhere ſuch a ſentence, and the caſe is not imaginary; for this much injured man is yet willing to believe that by the aid of ſuch of his fellow ſubjects as may think his caſe deſerving their aſſiſtance, he may yet drag to the altars of the offended law, victims the moſt worthy ever ſacrificed on them.

(a) It is juſtice due to Meſſ. Raincock and Jenkenſon to add, that neither of them made any charge for what they did.

A P-

APPENDIX.

Numb. I.

The Town or Borough of Stamford, in the County of Lincoln. } To the Conſtables, Churchwardens, and Overſeers of the Poor of the Pariſh of *All Saints* in the ſaid Borough, and to every of them.

WHEREAS Samuel Bruckſhaw, of the ſaid pariſh of All Saints, Yeoman, *(a)* is ſo far diſordered in his ſenſes, that it is dangerous for him the ſaid Samuel Bruckſhaw to be permitted to go abroad; THESE are therefore to order and command you the ſaid Conſtables, Churchwardens, and Overſeers of the Poor, or ſome or one of you, to keep, or cauſe to be kept, the ſaid *Samuel* Bruckſhaw, ſafely locked up in ſome ſecure room at the houſe of William Clarke in the Borough aforeſaid, ſo that the ſaid *Samuel* Bruckſhaw ſhall not have it in his power to do or commit any injury or violence upon his own perſon, or the perſon or perſons of any of his Majeſty's ſubjects, and for your ſo doing, this ſhall be to you, and every of you the ſaid Conſtables, Churchwardens, and Overſeers, your ſufficient Warrant and Authority. Given under our Hands and Seals the Fifteenth day of June, in the tenth year of the reign of our Sovereign Lord, George the Third, by the Grace of God, of Great Britain, France, and Ireland,

(a) Wooiſtapler is interlined with a paler ink, and Yeoman eraſed.

land, King, Defender of the Faith, and in the year of our Lord One thouſand, Seven hundred, and Seventy.

John Hopkins, Mayor.
John Exton, Alderman.

[I apprehend this order was not manufactured before that to Wilſons on the 26th inſt. which ſtiles me "Woolcomber," and commands the "aid and aſſiſtance of all Conſtables, Peace-Officers, &c. in caſe I was refractory." Some time afterwards this was given by Defendant Hopkins to my unſuſpecting Brother, as I conceive to ſhew him the judiciouſneſs of their proceedings in the execution of their office as magiſtrates.—Yet it is dated a day after the ſaid impriſonment was made, and was never exhibited at any of the aforeſaid litigations.

The Alderman did not even ſee me, upon this occaſion]

Numb. II.

WE whoſe names are hereunto ſet and ſubſcribed, being inhabitants of the Pariſh of Bourn in the County of Lincoln, do hereby certify, that during the time that Mr. Samuel Bruckſhaw reſided in the ſaid Pariſh, which was about ten years, he exerciſed and followed the trade or buſineſs of a Woolſtapler; and in all his dealings conducted himſelf (to the beſt of our knowledge) with Honeſty, Sobriety, and Punctuality. Witneſs our Hands this Sixth day of January, 1772.

Humfrey Hyde, Vicar.
John Hyde, Apothecary.
J. Hardwich, Tanner.
Robert Oſborn, Ironmonger.
John Dove, Church-warden.
E. Muſſon, Grocer.
W. Dyer, Attorney at Law.
Daniel Ding, (with whom Mr. Bruckſhaw boarded all the time of his reſiding in Bourn)

Numb. III.

Numb. III.

Stockport, Nov. 27th, 1771.

WE who have here ſubſcribed, can recommend the bearer Mr. Samuel Bruckſhaw as a very honeſt, ſober man, and qualified for any buſineſs that he will undertake.

John Preſcot.
Tim. Hainſworth.
Richard Crafton.
Robert Godby.
Thomas Hall.
William Mariot.
William Fowden.
John Hopkins.
Henry Ward, Jun.
James Bellaers.
John Langworth.
Samuel Daniel.
William Hardy.
James Gee.

Numb. IV.

In the King's Bench. Between S. Bruckſhaw, Plaintiff, and John Hopkins and John Exton, Defendants.

JAMES BRADDOCK, of the Pariſh of St. Lawrence in the City of London, wārehouſe-man, maketh oath, and ſaith, that one evening (he believes in January, 1772,) he accompanied the ſaid Samuel Bruckſhaw, the Plaintiff, to the Half-moon Tavern in Gracechurch-Street, where they ſpent the evening with the Defendant John Hopkins, whom the ſaid Plaintiff ſollicited to ſign a written character that might enable the ſaid Plaintiff to get into employment, which, after much heſitation, *(a)* the ſaid Deft. J. Hopkins, did; and this deponent further ſaith, that in the courſe of the evening the ſaid Plaintiff interrogated the ſaid John Hopkins, the Defendant, as to an impriſonment of the ſaid Plaintiff, by the ſaid Defendant John Hopkins in 1770, as a perſon inſane, (which charge of impriſonment, the ſaid John Hopkins admitted to be true, but ſaid *it was done in a hurry, and begged of the ſaid Plaintiff not to think of or name it*

(a) See page 53.

any

any more,) or the ſaid John Hopkins then made uſe of words to that effect, and this Deponent ſaith that the ſaid Defendant, John Hopkins, then declared *that he never looked upon the ſaid Plaintiff as a man out of his ſenſes*, and this Deponent further ſaith that he has known the ſaid Plaintiff ever ſince December 1771, and ſince that time has had many conferences with him upon buſineſs, and that he always appeared to him this Deponent, a quiet, peaceable, and orderly man, perfectly in his ſenſes.

James Bradock.

Sworn this 26th day of April, 1773,
at my houſe in Bloomſbury-ſquare,
before me, MANSFIELD.

Numb. V.

In the King's Bench.

WILLIAM RAWNSLEY—of Bourn, in the County of Lincoln, Woolſtapler, maketh oath and ſaith, that he hath known Samuel Bruckſhaw, late of Bourn, aforeſaid Woolſtapler, for ſeveral years laſt paſt, and that during the whole time of this Deponent's knowledge of him, he appeared to be a Quiet, Peaceable, and Orderly Man, perfectly in his ſenſes; and this Deponent further ſaith, that on or abou the 7th day of June, 1770, thi Deponent was in company with the ſaid Samuel Bruckſhaw at Bradford in the County of York, and on the 13th and 14th (*a*) of the ſame month at Stamford, in the County of Lincoln aforeſaid, and at all the ſaid times, the ſaid Samuel Bruckſhaw appeared as he had uſually done, perfectly in his ſenſes.

William Rawnſley.

The above named William Rawnſley came voluntarily this Firſt day of February, 1772, before me at Bourn, aforeſaid, and was duly ſworn to this Affidavit, by me,

WILLIAM DYER.
One of the Commiſſioners, &c.

(*a*) The very day of the impriſonment.

Numb. VI.

APPENDIX.

Numb. VI.

In the King's Bench.

DANIEL DING, of Bourn, in the County of Lincoln, Baker, maketh oath, and ſaith, that he hath known Samuel Bruckſhaw, late of Bourn, aforeſaid, Woolſtapler, for twelve years laſt paſt and upwards, and that during ten of the ſaid years, the ſaid Samuel Bruckſhaw lodged in the houſe of this Deponent, and behaved himſelf in a quiet, peaceable, and orderly manner, and in no tranſaction whatever during the whole of the ſaid time, which this Deponent was privy to, ſhewed the leaſt mark of Inſanity; and this Deponent further ſaith, that having been informed that the ſaid Samuel Bruckſhaw had been committed to the goal at Stamford, by the Mayor of that Corporation, under ſome colour or pretence of Inſanity, this Deponent went twice to ſee the ſaid Samuel Bruckſhaw, when he was under ſuch confinement, and at both the ſaid times, the ſaid Samuel Bruckſhaw appeared, and this deponent verily believes, was in his perfect ſenſes.

Daniel Ding.

The above named Daniel Ding, came
voluntarily this Firſt day of January,
1772, before me at Bourn aforeſaid,
and was duly ſworn to this affidavit,
by me,

WILLIAM DYER.
One of the Commiſſioners, &c.

(Examined.)
J. DODGSON.

Numb. VII.

Upon Serjeant Walker's drawing the declaration, and giving his opinion to Mr. Criſpin as aforeſaid, I wrote to my acting truſtees with whom I let the remainder of my property lie at intereſt, for a remittance, which my Brother

 incloſed

incloſed to me in his letter dated Bredbury within the Pariſh of Stockport, 14th July, 1772. Concluding with, " I heartily wiſh you ſucceſs in your affair with Hopkins and Exton, and that it may be legally ſettled to your ſatisfaction."

Other extracts from my Brother's Letters.

July 17th, 1772.

" I immediately went over to Wilſons as you deſired for the order, but to little purpoſe.——He ſaid, he received my letter, but was adviſed not to part with the order, nor a copy, therefore did not chuſe to let me have either. I uſed all the arguments I could to prevail with him, but could not: when I was coming away, he promiſed to ſend me a copy to Mr. Daniel's," which he never did.

After the Lent Nonſuit, I informed him what Serjeant Hill ſaid in the defence of his Clients, the Defendants as aforeſaid, to which he anſwered on

May 14th, 1773.

" As to what Serjeant Hill ſays,——I hope you're not ſo weak as to believe it to be truth. How can it be that the Defendants ſhould be deſired to take care of you only a few days, by your Brother and Uncle, when neither of us knew any thing of your confinement till they ſent a meſſenger over to inform us, that you was in that unhappy ſituation? indeed after we had information, I cannot tell what was wrote to them, as it is ſo long ſince, and no copies of the letters took: We believing you o be in the ſtate repreſented, was not at all upon our guard, never expecting any thing of this kind happening: the information came from ſuch perſons as we thought would not deceive us. I ſhould be glad that you and every other injured perſon might have juſtice done them. This is truth, whether you believe it or not. I deſire I may hear no more of this diſagreeable ſubject."

I remain,
Your affectionate Brother,
JOSHUA BRUCKSHAW."

To Mr Samuel Bruckſhaw,
Lawrence-Lane, LONDON.

Numb. VIII.

Numb. VIII.

To Mr. William Hardy, *(a) in Stockport.*

Bourn, June, 15th, 1770.

SIR,

I received your letter yeſtesday, with a draft on Mr. Dixon, value 38l. which he will pay; I am very ſorry to acquaint you of Mr. Bruckſhaw, he is now in Stamford goal, very mad, I hope you will ſend ſomebody over with the bearer to take care of him, for he will not be ſet at liberty till Mr. Bruckſhaw or ſomebody comes, my compliments to you all, and am

Your humble ſervant,

D. Ding.

Mr. Ding declared on oath it was not his writing, nor did he know any thing of it. Its effects on Bruckſhaw's relations may be ſeen in the next Number.

Numb. IX.

Extracts from my Uncle's Letters.

Stockport, June 22d, 1772.

" SIR,

" Your Brother has told me, that Mr. Ding has made affidavit that the letter ſent to us in his name, was without his knowledge and direction. If ſo, it was exceed-

(a) See page 32.

 ingly

ingly baſe and villainous in thoſe that ſent it, and I am afraid the black author of it has took care to conceal himſelf:——for that letter, and one from Mr. Fothergill, removed from us all doubt and ſuſpicion of their veracity.

"It would give me pleaſure for you to obtain ſatisfaction:——yet I cannot ſay I could wiſh you to enter into a ſtate of law, as the expences are ſo great and the event ſo uncertain.

"I am ſorry that any perſon ſhould be ſo vile as to endeavour to injure you in the opinion of your friends; it ſhews a baſe, malicious diſpoſition, the more ſo as you would not willingly injure any perſon.——As to your Brother and I being concerned in the ſeizure of you at Stamford, you know that to be falſe, being both of us ignorant of it till their meſſenger came here, but (*a*) the above letters led us to conſent to the impriſonment, and think it neceſſary.

"I will omit no opportunity of ſerving you, and that it will give me pleaſure to convince you of, &c."

Auguſt 2d, 1773.

"I received yours of the 29th, and ſtill think that if you had a full hearing you would have a verdict, but if it muſt only be a partial one, for the jury to judge whether the Defendants acted in a judicial capacity, I would recommend it for you to drop it; I don't wiſh to give you any uneaſineſs, I only wiſh you to go on good ground, and not to throw your money away to no purpoſe, for how can you expect any benefit, unleſs the merits of your caſe muſt be argued?

I am, Sir,

Your humble ſervant,

Samuel Daniel."

(*a*) It is neceſſary to remind the reader, that the magiſtrates of Stamford and their auxiliaries, the keepers of the madhouſe, agreed in repreſenting Bruckſhaw as raving mad, and that the ſight of his friends would make him worſe.

Numb. X.

Numb. X.

JAMES GEE of Stockport, in the county of Cheſter, manufacturer of checks, maketh oath and ſaith, That he hath for ſeveral years laſt paſt known and been well acquainted, and had ſeveral connexions in trade with Samuel Bruckſhaw, late of Bourn, in the county of Lincoln, woolſtapler; and that particularly in the months of April and May, 1770, this deponent had frequent converſations with the ſaid Samuel Bruckſhaw, and during all the time of this deponent's knowledge of him he appeared, and, as this deponent believes, was, in his right ſenſes. And this deponent further ſaith, that having been informed that in the month of June following the ſaid Samuel Bruckſhaw, under ſome pretence of inſanity, had been ſent to a private madhouſe at Scout-mill, in the pariſh of Aſhton in the county of Lancaſter, this deponent did, on or about the 27th day of September 1770 following, go to the ſaid mad houſe, and then ſaw and converſed with the ſaid Samuel Bruckſhaw; and, from what then appeared to this deponent, he verily believes the ſaid Samuel Bruckſhaw was at that time in his perfect ſenſes.

JAMES GEE.

Sworn at my chambers in Serjeant's-Inn, the 24th day of January, 1772, before

W. H. ASHHURST.

Numb. XI.

In the King's Bench { Between Sam. Bruckſhaw, Plaintiff, and Jn. Hopkins and Jn. Exton, Defts.

WILLIAM SELLERS, of Tuxford, in the county of Nottingham, innholder, Edward Thornton, of the ſame place, brickmaker, and John Fell, of the ſame place, mercer, ſeverally make oath and ſay, and firſt the ſaid William Sellers for himſelf ſaith, That ſome time about the latter-end of June, 1770, the Plaintiff was brought in a chaiſe by two men to this deponent's houſe, loaded with irons on his hands and legs, which much ſurprized this deponent, as the

the ſaid Plaintiff had, about a fortnight before, ſpent the evening and lay at this deponent's houſe. And this deponent, William Sellers, ſaith, That the ſaid Plaintiff requeſted to be taken before a magiſtrate, who might enquire into the cauſe of his confinement, but there was none in that neighbourhood; but this deponent told the Plaintiff there was a conſtable near, which the Plaintiff deſired might be ſent for, which he accordingly was; and that the ſaid conſtable (who was the ſaid Edward Thornton) looſed one of the irons from the Plaintiff's leg, for him to go into the garden; and this deponent ſaith, that the ſaid Plaintiff appeared to this deponent to be as perfectly in his ſenſes as any man whatever. And this deponent ſaith, the Plaintiff was conveyed from this deponent's houſe by the ſaid two men who brought him there, with irons on his legs.—And this deponent, Edward Thornton, ſaith, That ſome time about the latter-end of June, 1770, being ſent for to the houſe of the ſaid William Sellers, he accordingly went, and found the Plaintiff loaded with irons on his hands and legs, but which this deponent, at the requeſt of Plaintiff, looſed from one of his legs, for him to go into the garden; and that the Plaintiff deſired the deponent to demand of the two men who had the ſaid Plaintiff in cuſtody, their authority for treating him and conveying him in this way; and that thereupon the ſaid two men produced ſome order, which this deponent believes was ſigned by the defendants, but which order, upon the face thereof, did not appear to be made on the complaint, or on the information, of any perſon whatever. And this deponent ſaith, that the Plaintiff appeared to this deponent to be as perfectly in his ſenſes as any man whatever. —And this deponent, John Fell, ſaith, That ſome time about the latter-end of June, 1770, he ſaw the Plaintiff at the houſe of the ſaid William Sellers, loaded with irons, and that the Plaintiff appeared to this deponent to be as perfectly in his ſenſes as any man whatever. And all the deponents ſay, that the Plaintiff was conveyed, with irons on his legs, from the houſe of ſaid William Sellers, in a chaiſe, by two men who brought him there; and that, from the manner of the ſaid Plaintiff's being treated and conveyed, they ſhould have ſuppoſed him to have been a felon, had not the ſaid two men who had the Plaintiff in cuſtody given another reaſon, to wit, that he was inſane; the contrary of which

which theſe deponents believe to be true, as the ſaid Plaintiff did not diſcover the leaſt marks of inſanity.

Sworn at Tuxford aforeſaid, the 12th day of April, 1773, before me, WILLIAM LOWTHER, a Commiſſioner, &c.

William Sellers,
Edw. Thornton,
John Fell.

(Examined) J. DODGSON.

Numb. XII.

In the King's Bench } Between Sam. Bruckſhaw, Plaintiff, and Jn. Hopkins and Jn. Exton, Defts.

JOHN NIELD, late of Bottoms, within the pariſh of Mottram Longendale, in the county of Cheſter, but now of Stealy-bridge in the pariſh of Aſhton Underline, in the county of Lancaſter, barber, and Ralph Heaward, of Stealy-wood, in the ſaid pariſh of Mottram Longendale, clothier, ſeverally make oath and ſay, and firſt, the ſaid John Nield ſays, That he was ſent for in a few days after the Plaintiff came to the houſe of John Wilſon at Scout-mill, which he believes might be in or about the months of June or July, which was in the year of our Lord 1770, to ſhave the Plaintiff, who was there confined, and whom he found in a garret, chained down in a bed without curtains, and that the Plaintiff had nothing on but his ſhirt, and that he had irons on one leg; and this deponent, John Nield, ſaith, that he frequently ſhaved Plaintiff during his confinement at Scout-mill, which was for many months, and that the ſaid Plaintiff was very often in chains, and that from the Plaintiff's being thus treated, this deponent looked on him to be a madman; but he ſoon found when he became acquainted with Plaintiff, that he was a ſenſible and reaſonable man, and as perfectly in his ſenſes as any man whatever; and that he would as readily have lain in a room with Plaintiff, as with any other perſon. And this ſaid deponent ſaith, that Scout-mill is a moſt horrible, obſcure place in itſelf. And this deponent ſaith, that the behaviour of the Plaintiff was very different from the behaviour of others who were confined

confined at Scout-mill, who were really mad, and whom this deponent ſhaved. ——And this deponent, Ralph Hearward, for himſelf ſaith, That he ſaw the Plaintiff in or about the month of Auguſt, which was in the ſaid year of our Lord, 1770, at the houſe of John Wilſon, at Scout-mill aforeſaid, where Plaintiff was confined many months; and this deponent ſaith he often ſaw, and had frequent converſations with, the Plaintiff, and he had ſeveral times irons on his legs, and that the Plaintiff always behaved and acted like a reaſonable man, and in a peaceable and orderly manner.

Sworn at Aſhton Underline aforeſaid, this 21ſt day of April, in the year of our Lord, 1773, before me,

John Nield,
Ralph Hearward.

THO. TAYLOR,
a Commiſſioner, &c.

(Examined)
J. DODGSON.

Numb. XIII.

WE whoſe names are hereunto ſet and ſubſcribed, according to the date affixed therewith, did ſee and converſe with Mr. Samuel Bruckſhaw during his impriſonment at Scout-mill, and from the reſult of ſuch converſation never had the leaſt reaſon to believe him diſordered in his mind.

Witneſs our ſeveral hands and reſpective names, this 31ſt day of March, 1771.

(I believe the 3d day of the preſent inſtant March was the firſt time I ſaw or converſed with Mr. Bruckſhaw.)

	Feb. 4,	*John Cradock*
	March 15,	*Cornelius Kenworthy*
1770,	Aug. 12,	*Dan. Woolley*
	June 30,	*Ralph Hearward*
		John Nield (ſhaved me all the time.)
	July	*John Kerſhaw*
	Ditto	*Joſeph Kenworthy*
	Auguſt 29,	*James Buckley*
	Ditto,	*John Lingard*
1771,	Jan. 16,	*James Burchall*
	Feb. 4,	*Tho. Townſon*

Numb. XIV.

WE whoſe names are hereunto ſet and ſubſcribed (according to the dates affixed therewith) did ſee and converſe with Mr. Samuel Bruckſhaw, and from the reſult of ſuch converſation never had the leaſt reaſon to believe him diſordered in his mind.——Witneſs our ſeveral and reſpective names, this 30th day of April, 1771.

1770. June 27, *John Morley*, conſtable of Sheffield, with me moſt of the afternoon. S. B.

his
William ⋈ Nelſon
Mark.

Drove me 40 miles. S. B.

June 27, *Edward Thornton.*
Conſtable of Tuxford, with me at breakfaſt, &c. S. B.

June *George Inſkip,*
Drove me in a returned chaiſe from Barnbymoor to Tuxford on the 12th, and on the 27th from Tuxford to Worksop in irons. S. B.

[Wilſons in their paſſions repeatedly expreſſed themſelves to me in theſe words: "We could have more money for killing thee than curing thee; thou never will be better as long as thou liveſt; thou'rt an incurable, and ſure to live a charge upon thy brother." Once during the aforeſaid 82 days cloſe confinement in the ſmoaky garret, Wilſon ruſhed ſuddenly upon me, and with a caſe-knife made a puſh at my breaſt. And once in their breaking in garret *(a)* he pulled the bed-clothes off me, and his ſon held me down upon my back, while he, in an unmerciful manner, beat me with a ſix-foot ſtaff, which bruiſed me much upon ſeveral parts of my body; and for ſeveral hours after I really believed that my legs were broke.]

(a) See page 42, 44.

The

The following Tranſcript from Judge BLACKSTONE's Commentaries, ſuitably concludes this Pamphlet.

"THE impartial adminiſtration of juſtice, which ſecures both our perſons and properties, is the great end of civil ſociety; but if that be entirely entruſted to the magiſtracy, a ſelect body of men, and thoſe generally ſelected by the Prince, or ſuch as enjoy the higheſt offices in the ſtate, their deciſions, in ſpite of their own natural integrity, will have frequently an involuntary bias towards thoſe of their own rank and dignity: it is not to be expected from human nature that the *few* ſhould be always attentive to the intereſt and good of the *many*. In ſettling and adjuſting a queſtion of fact, when intruſted to any ſingle magiſtrate, partiality and injuſtice have an ample field to range in: here, therefore, a competent number of ſenſible and upright jurymen, choſen by lot from among thoſe of the middle rank, will be found the beſt inveſtigators of truth, and the ſureſt guardians of Public Juſtice. For the moſt pow-

tious of committing any flagrant invaſion of another's right, when he knows that the fact of his oppreſſion muſt be examined and decided by twelve indifferent men not appointed 'till the hour of trial; and that, when once the fact is aſcertained, the law muſt of courſe redreſs it. This, therefore, preſerves in the hands of the people that ſhare, which they ought to have in the adminiſtration of public juſtice, and prevents the encroachments of the more wealthy and powerful citizens."

THE END.

The following Tranſcript from Judge BLACKSTONE's Commentaries, ſuitably concludes this Pamphlet.

"THE impartial adminiſtration of juſtice, which ſecures both our perſons and properties, is the great end of civil ſociety; but if that be entirely entruſted to the magiſtracy, a ſelect body of men, and thoſe generally ſelected by the Prince, or ſuch as enjoy the higheſt offices in the ſtate, their deciſions, in ſpite of their own natural integrity, will have frequently an involuntary bias towards thoſe of their own rank and dignity: it is not to be expected from human nature that the *few* ſhould be always attentive to the intereſt and good of the *many*. In ſettling and adjuſting a queſtion of fact, when intruſted to any ſingle magiſtrate, partiality and injuſtice have an ample field to range in: here, therefore, a competent number of ſenſible and upright jurymen, choſen by lot from among thoſe of the middle rank, will be found the beſt inveſtigators of truth, and the ſureſt guardians of Public Juſtice. For the moſt pow- tious of committing any flagrant invaſion of another's right, when he knows that the fact of his oppreſſion muſt be examined and decided by twelve indifferent men not appointed 'till the hour of trial; and that, when once the fact is aſcertained, the law muſt of courſe redreſs it. This, therefore, preſerves in the hands of the people that ſhare, which they ought to have in the adminiſtration of public juſtice, and prevents the encroachments of the more wealthy and powerful citizens."

THE END.

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